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# NOMINATIONS TO THE DEPARTMENT OF TRANSPORTATION, THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, AND THE DEPARTMENT OF COMMERCE

## HEARING

BEFORE THE

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

JULY 31, 2007

Printed for the use of the Committee on Commerce, Science, and Transportation

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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# NOMINATIONS TO THE DEPARTMENT OF TRANSPORTATION, THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, AND THE DEPARTMENT OF COMMERCE

**TUESDAY, JULY 31, 2007**

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
*Washington, DC.*

The Committee met, pursuant to notice, at 9:59 a.m. in room SR–253, Russell Senate Office Building, Hon. Daniel K. Inouye, Chairman of the Committee, presiding.

## OPENING STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII

The CHAIRMAN. The nominees before us today have been called upon to lead in diverse areas of our Government, and I look forward to the opportunity to hear their views on how their past experiences will assist them in addressing the challenges posed by these positions.

Vice Admiral Barrett, we are depending on you to offer steady leadership at the Department of Transportation, and make certain that the safety of our Nation's transportation system remains the top priority of the agency. At the same time, I'm certain you will encourage advancements that can enhance our national transportation system and improve the movement of goods and services and people across the United States.

Funding for our Nation's aviation programs will be a particular challenge. The FAA has seen massive cuts to their facilities and equipment accounts since FY 2004. These practical cuts, if not corrected soon, will jeopardize our international leadership in aerospace, and damage our ability to address the capacity and congestion we are now experiencing in our skies. And I'm certain you'll provide direction at the Department of Transportation to make sure that aviation needs are properly funded.

Truck and rail safety and the reauthorization of Amtrak are additional areas that will challenge you. Given your proven record of working with the Congress, and, more specifically, with this Committee, I think we can expect you to meet these and other challenges very successfully.

In the Department of Transportation, research and technological advancements are keys to expanding our transportation system so we can meet our society's growing demands and continue to grow our economy. We'll be counting on you, Mr. Brubaker, to make cer-

tain the agency evaluates and develops new technologies quickly and effectively so can be implemented as soon as practicable.

Admiral Sutton, it's a pleasure to welcome the former Commander of Naval Station Pearl Harbor. You are now called upon to be the voice of America's manufacturers as they face the challenges of globalization. The entire manufacturing sector generated just 12.1 percent of U.S. gross domestic product in 2006, compared with 17 and a half percent in 1986. Manufacturing employment dropped from 17.2 million in 1996 to just over 14 million as of last year. So, obviously you have a great challenge ahead of you.

Mr. Spoehel will be called upon, among other things, to improve NASA's financial management system and address weaknesses in NASA's contracting system identified by the Government Accountability Office.

On behalf of the Committee, I thank all of you for your willingness to serve our Nation in these very important positions, and I'd like to call upon you. Before you do, I have two very distinguished citizens of the United States who wish to be heard.

First, the Honorable William S. Cohen, Member of the Senate, a distinguished one, at one time, and a former Secretary of Defense.

Secretary Cohen?

**STATEMENT OF HON. WILLIAM S. COHEN, FORMER U.S. SENATOR, MAINE; FORMER SECRETARY, U.S. DEPARTMENT OF DEFENSE**

Secretary COHEN. Thank you very much, Mr. Chairman.

And let the record show—Mr. Chairman, perhaps the record should show your dedication to efficiency, that you actually started the hearing 1 minute before the appointed hour, and that that testifies to your commitment to efficiency and productivity.

But let me thank you for allowing me to come and testify before you this morning. As you pointed out, I had the privilege of serving with you for 18 years, and we worked together in an indirect way when I was a member of the House of Representatives during the Watergate period, where I served on the House Judiciary Committee and you were on the Watergate Committee, and then, subsequent to that, some 12 years or more later, on the Iran-Contra Investigation. And I just want the record to show what extraordinary respect I have for you and the honor with which you have served as a member of the Senate, and, prior to that, as a heroic member of our Armed Forces.

So, thank you for allowing me to come before you this morning. I would like to, first, acknowledge Paul Brubaker's wife, Carolyn, and his sons, Jackson and Gavin, who are sitting behind me, and also welcome Paul's mother-in-law, Ruth Ann Renford, to the proceeding.

And I want you to know how much pleasure and pride I take in introducing Paul today, to endorse his nomination to become Administrator of the Department of Transportation's Research and Innovative Technology Administration.

Paul began working for me and the staff of the Senate Governmental Affairs Committee back in 1992, on the oversight Committee that I was chairing and that Senator Levin was the Ranking Member. He began his position as an investigator, which—for

which he was well suited, having served some 6 years at GAO, and, within a very short time, I had promoted him as Staff Director, because of his great drive and enthusiasm, a position which was preceded by another distinguished Member of this body, Senator Susan Collins.

Paul was deeply involved in many of the investigations and the reform proposals that grew out of those hearings that were held by Senator Levin and me, and perhaps most notably was one of the leading forces behind the 1996 Clinger-Cohen Act, which reformed the Government's IT procurement processes. I'd like to note, for the record, that, in Maine, we call it the Cohen-Clinger Act, but, nonetheless, the official title is Clinger-Cohen.

Paul—when I went to the Department of Defense, Paul joined me, and then served as Deputy Chief Information Officer, and later, he was the Deputy Assistant Secretary of Defense for C4I. He applied his great political, policy, and budgetary skills to administer department-wide IT initiatives that affected our soldiers, sailors, airmen, and marines around the world, and he brought great energy, creativity, and private-sector experience to policies and investments in technology and the communications that benefited the DOD enterprise.

After he left government, in 2001, he built two small businesses, from the ground up. In his current position, as CEO of Procentrix, Inc., he has provided his customers with dramatic improvements in mission performance. In 6 months, Paul turned Procentrix into one of the *Federal Computer Week's* top ten organizations for the year 2006. And, again, he proves his talent for facing very complex challenges.

The Research and Innovative Technology Administration within the Department of Transportation, it performs a vital function in America's transportation network. We see increasing evidence that transportation technology is intimately tied to America's security and commerce, our public health and civic life.

September 11, Hurricane Katrina, and the war in Iraq have shown us that a successful RITA Administrator must be able to see beyond the bits and bytes of information technology to grasp a larger picture, and that's one of Paul's many strengths.

America's transportation technology needs will test an administrator's vision, his critical-thinking, and problem-solving. And I know that Paul Brubaker is going to pass those tests with great vigor and grace. He has my highest confidence, and I hope you will confirm him for this post.

Thank you very much, Mr. Chairman.

The CHAIRMAN. I thank you very much, Mr. Secretary.

And now, I have the privilege of calling upon Alaska's Senator, Senator Murkowski, daughter of the Governor, and Senator.

## STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Good morning, Mr. Chairman. I am delighted to be before the Committee to introduce a friend and a fellow Alaskan, Vice Admiral Thomas J. Barrett, who is President Bush's nominee to serve as the Deputy Secretary of Transportation.

I have known Admiral Barrett and his wife, Sheila, since my service in the Alaska State legislature, back in Juneau, when Admiral Barrett was serving as the Commander of the 17th Coast Guard District. At that time, I had an opportunity to come to know Admiral Barrett, his wife, his family, just as genuine Alaskans. Now, I must tell you, they hail from other parts of the country, but we have adopted them as Alaskans. We know that their heart—when they left the state, a part of their heart was left with us, and we are glad to call them Alaskans.

I would also like to recognize not only his wife, Sheila, but also his family. They have four children; two sons, who have served honorably in Iraq. The family has contributed in so many different ways.

Admiral Barrett has a very distinguished background: graduated from the Coast Guard Officer Candidate School, was commissioned in 1969, served in Vietnam, earned a law degree from George Washington, graduated in residence from the Army War College. He, as I indicated, had served as the Commander of the 17th Coast Guard District in Alaska, but, again, responsibilities and duties all over, including the Office of Chief Counsel, the project staff for Outer Continental Shelf Safety, Security, and Environmental Protection. He truly, again, has served our country with distinction and honor.

I was able to introduce Admiral Barrett at a hearing, just last year, when he was named as the first Pipeline and Hazardous Material Safety Administrator for the Department of Transportation. That was back in May of 2006. He served in that capacity incredibly well. I had the opportunity to deal with him on some very difficult issues, but found a man who not only knew his background, but was an incredible administrator, incredible leader, and greatly appreciated that service.

He has continued to hold that post as the Pipeline and Hazardous Materials Safety Administrator while simultaneously taking on the duties as the Acting Deputy Secretary of Transportation. This—these additional duties came on in March of this year.

When he contacted me to let me know that he had been nominated by the President for this, I told him that I had some mixed feelings. I didn't want to lose him and all the focus that he had given in his capacity, but he assured me that he would remain committed to all that we had been working on, while, at the same time, stepping up to assume the responsibilities as Deputy Secretary of Transportation. I have every reason to believe that the 40 years of service that he has provided to this country will continue to be built upon in an exemplary manner.

I am delighted, this morning, to introduce Admiral Barrett and to recommend him for confirmation as the Deputy Secretary of Transportation.

The CHAIRMAN. I thank you very much, Senator Murkowski.

Thank you, Mr. Secretary.

Senator Olympia Snowe has asked me to announce her very strong support for the nomination of Mr. Brubaker, in light of his service to the citizens of the State of Maine. Unfortunately, because of scheduling conflicts, she cannot be with us, but she urged me to convey her regret in not being able to attend this meeting. Her full

statement in support of Mr. Brubaker will be made part of the record.

In addition, Senators Warner and Webb, of Virginia, have submitted statements in support of Mr. Spoehel.

Our first witness is Vice Admiral Thomas J. Barrett, United States Coast Guard (Retired). He was nominated for Deputy Secretary-Designate, U.S. Department of Transportation.

Admiral Barrett? Would you care to introduce your family? I notice that you have a—half the audience, here.

**STATEMENT OF VICE ADMIRAL THOMAS J. BARRETT, USCG (RET.), NOMINEE TO BE DEPUTY SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION**

Admiral BARRETT. Mr. Chairman, thank you so much. I'd be delighted to introduce my wife, Sheila, and also, frankly, thank her for her support over the years to me, personally, to our family—we have four terrific kids, Tom, who is here, Matt, Becky, and Paul—and her service to our country. Both Tom, who is a Major in the United States Army—I'm extraordinarily proud of, and his wife, Jill—and our youngest son, Paul—are combat veterans from Iraq. And our other two kids are terrific. But Sheila has been instrumental in forging that family and that commitment. And I thank you for the opportunity to acknowledge them, sir.

The CHAIRMAN. Please rise.

[Applause.]

The CHAIRMAN. Admiral, it's yours, now.

Admiral BARRETT. Mr. Chairman, good morning, again.

I am deeply honored, and welcome the opportunity to appear before you today with these other distinguished nominees as you consider my nomination to serve as Deputy Secretary of the United States Department of Transportation.

I'm honored to have been nominated by the President for this important responsibility, and, if confirmed, I look forward to energetically supporting Secretary Peters and our leadership team at the Department. And I commit to you that I will fully dedicate myself to ensuring the Department meets its vital obligations to the American public and continuing to work closely with you, the Committee, and your staff.

Mr. Chairman, as you indicated earlier, the Department of Transportation plays a vital role for our Nation. Along with its operating modes, it administers comprehensive nationwide programs to protect our citizens and communities from risks to life, health, property, and the environment that are inherent in all modes of transportation. Department programs help develop, sustain, and maintain the air, surface, and maritime transportation systems that are a foundation of Americans' personal freedom and commercial mobility.

And, as you indicated, America's economic vitality, its continued economic growth and ability to compete in a global economy depend upon dynamic and reliable transportation systems.

Secretary Peters has focused the Department on safety, on improving transportation systems performance, including reducing congestion, and on bringing forward 21st century solutions to the

transportation challenges we face. And, if confirmed, I look forward to advancing these priorities.

Mr. Chairman, I believe my experience as Administrator of the Pipeline and Hazardous Material Safety Administration, as Chief Operating Officer of the Potomac Institute for Policy Studies, and my 35 years of experience in the Coast Guard in a broad range of assignments has provided me the management, leadership, and teamwork skills to succeed in the position for which I have been nominated. The experience has given me an excellent perspective on how organizations and their personnel work, how to maintain focus on mission objectives and achieve the performance that the administration, the Congress, you, and the public expects.

My experiences have forged a bedrock commitment to safety, like yours, Mr. Chairman, and I appreciate your leadership in this area in the times I've appeared before you.

I drive to constantly improve organizational performance, and a commitment to never ignore the people who carry out the Department's missions from the front lines. I fully appreciate the value of partnering with other Federal agencies, states, stakeholders, the public, and the Congress to build effective enterprise solutions to transportation challenges. I also understand and appreciate the need to work closely with the Department's Chief Budget Officer, the Inspector General, the Office of Management and Budget, and the Government Accountability Office to ensure the Department's programs are managed effectively and with efficiency.

As Acting Deputy Secretary since March, I have also had the opportunity to closely observe and develop hands-on experience on major policy and management issues facing the Department.

Mr. Chairman, I reiterate my commitment to you that, if confirmed, I will work, each and every day, as hard as I possibly can to effectively carry out the duties entrusted to me and to the Department.

Thank you very much, sir, and I'm pleased to respond to any questions you may have.

[The prepared statement and biographical information of Admiral Barrett follow:]

PREPARED STATEMENT OF ADMIRAL THOMAS BARRETT, NOMINEE TO BE DEPUTY SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION

Mr. Chairman, Mr. Vice Chairman, and other distinguished Members of the Committee, I am honored and welcome the opportunity to appear before you today with these other distinguished nominees as you consider my nomination to serve as Deputy Secretary of the United States Department of Transportation. I am honored to have been nominated by the President for this important responsibility and, if confirmed, I look forward to energetically supporting Secretary Mary Peters and her leadership team at the Department. I commit to you that I will fully dedicate myself to helping ensure the Department meets its vital obligations to the American public, and continuing to work closely with you, the Committee and your staff.

Mr. Chairman, as you know, the Department of Transportation plays a vital role for our Nation. The Department and its operating modes administer comprehensive, nationwide programs to protect our citizens and communities from risks to life, health, property and the environment inherent in all modes of transportation. Departmental programs help develop, sustain and maintain the air, surface and maritime transportation systems that are a foundation of American personal freedom and commercial mobility. We all know America's economic vitality, continued economic growth and ability to compete in a global economy depend upon dynamic and reliable transportation systems. Secretary Peters has focused the Department on safety, improving transportation systems performance including reducing conges-

tion, and bringing forward 21st century solutions to transportation challenges. If confirmed, I look forward to advancing these priorities.

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Mr. Chairman, I reiterate my commitment to you that, if confirmed, I will work each and every day as hard as I possibly can to effectively carry out the duties entrusted to me and to the Department.

I thank you and am pleased to respond to any questions you may have.

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A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Barrett, Thomas J., Vice Admiral, U.S. Coast Guard, (Retired).

2. Position to which nominated: Deputy Secretary, United States Department of Transportation.

3. Date of Nomination: June 11, 2007.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.
Office: 1200 New Jersey Ave., SE, Washington, DC 20590.

5. Date and Place of Birth: January 15, 1947; New York, NY.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Sheila M. Barrett, Docent/Executive Assistant, Women in Military Service to America Memorial.

Children: (Major) Thomas J. Barrett, 34; Matthew D. Barrett, 32; Rebecca S. (Barrett) Cooney, 29; Paul P. Barrett, 24.

7. List all college and graduate degrees. Provide year and school attended.

B.S., LeMoyne College, Syracuse, NY, 1968.
Juris Doctor (with honors), George Washington University, Washington, DC, 1976.

8. List all post-graduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Post-graduate Employment:

Scandinavian Airlines System, Kennedy Airport, NY, summer 1969.

United States Coast Guard, 1969–2004.

Potomac Institute for Policy Studies, 2005–2006.

United States Department of Transportation, 2006–present.

Management Level Jobs Held:

Acting Deputy Secretary, U.S. DOT.

Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. DOT.

Vice President and Chief Operating Officer, Potomac Institute for Policy Studies.

Vice Commandant, United States Coast Guard.

Commander, Seventeenth Coast Guard District and Naval Forces Alaska.

Director, Reserve and Training, United States Coast Guard.

Commanding Officer, Support Center Kodiak Alaska, United States Coast Guard.

Chief, Legal Programs and Policy, United Stated Coast Guard.

Deputy Commander, Maintenance and Logistics Command, Atlantic, United States Coast Guard.

Deputy Chief, Personnel and Training, United States Coast Guard.

Executive Officer, USCG Base/Support Center, Kodiak, Alaska.

District Legal Officer, Seventeenth Coast Guard District, United States Coast Guard.

Other Related Jobs:

Outer Continental Shelf Safety Staff, Office of Marine Safety and Environmental Protection, United States Coast Guard.

Claims and Litigation Staff, Office of Chief Counsel, United States Coast Guard Deck Officer, USCGC CHASE.

9. Attach a copy of your resume. A copy of my resume is attached.

10. List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years: None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational or other institution within the last 5 years.

Vice President and Chief Operating Officer, Potomac Institute for Policy Studies.

Director, National Capital Chapter, Navy League of the United States.

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age or handicap.

*Memberships*

District of Columbia Bar, 1976–present.

Reserve Officers Association, 1997–present.

Navy League of the United States, 2004–present.

Veterans of Foreign Wars of the United States, 1999–present.

Coast Guard Combat Veterans Association, 2003–present.

U.S. Naval Institute, 1976–present.

Army War College Alumni Association, 1989–present.

Juneau Alaska Downtown Rotary Association, 1999–2002.

Alaska State Chamber of Commerce, Coast Guard Liaison, 2001–2002.

North Pacific Fisheries Management Council (non-voting member), 1999–2002.

Navy Enlisted Reserve Association, 1997–1999.

U.S. Coast Guard Academy Board of Trustees, 1997–1999.

None of these organizations restricts membership on the basis of sex, race, religion, national origin, age or handicap.

13. Have you ever been a candidate for public office? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: I have never been a candidate for public office.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years: None.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognition for outstanding service or achievements.

*Military Awards*

Coast Guard Distinguished Service Medal.
Legion of Merit (5 awards).
Coast Guard Meritorious Service Medal.
Coast Guard Commendation Medal (2 awards).
Coast Guard Achievement Medal.
National Defense Service Medal (with 2 bronze stars).
Humanitarian Service Medal.
Vietnam Service Medal (with 2 bronze stars).
Republic of Vietnam Campaign Medal.
Secretary of Transportation 9/11 Medal.
Secretary of Defense Service Badge.
Commandant of the Coast Guard Staff Service Badge.
Command Ashore Badge.
Foreign Awards from the Republic of Georgia, Argentina, and Malta.

*Civic Awards*

Citations for Service—18th Alaska Legislature; 22nd Alaska Legislature.
Commendation—Kodiak Island Borough.
Commendation—Kodiak Island Borough School District.
Veterans of Foreign Wars of the United States Exceptional Service Award.
Special Olympics—Special Friend Award.

*Scholarships*

New York State Regents College Scholarship.
Teamsters College Scholarship.

16. Please list each book, article, column, or publication you have authored, individually or with others, and any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

*Articles*

*The Guardian, Challenges and the Road Ahead* (Commercial Vehicle Safety Alliance), Second Quarter 2007.

*American Gas,* April 2007, Enterprise Approach to Pipeline Safety and Reliability.

*PHMSA Focus Administrator's Column* (Quarterly).

*Deepwater Methods to Reduce Systems of Systems Risks* (IEEE SMC 2005 Conference).

*Defending Ports* (National Defense, May 2004).

*Naval Forces Magazine, One Team One Fight,* Issue # 4/03.

*Coast Guard Oral History Project—Attack on America,* September 11, 2001.

*Coast Guard Reservist Magazine—From the Bridge Columns,* Tri-Monthly 1997–1999.

*Federal Maritime Commission Jurisdiction,* George Washington University Law Review Notes, 1976.

Remarks relevant to the position for which nominated while at the Department of Transportation:

Department of Transportation Telework Forum.
Topic: Expanding Telework in the Department of Transportation.
June 18, 2007.
Washington, D.C.

Department of Transportation's Asian Pacific Islander Month Celebration.
Topic: Contributions of Asian Pacific Americans to the Department of Transportation and the United States.
May 16, 2007.
Washington, D.C.

Bear Stearns Global Transportation Conference.
Topic: Intersection of Transportation and the Economy.
May 9, 2007.
New York, NY.

American International Automobile Dealers Association (AIADA) and the Association of International Automobile Manufacturers (AIAM) International Auto Summit.
Topic: Importance of a Safe and Efficient Transportation System in America.
May 8, 2007.
Washington, D.C.

Common Ground Alliance Congressional Reception.
Topic: Remarks on the Nationwide Campaign "Call 811—Before You Dig".
April 30, 2007.
Washington, D.C.

Council on Safe Transportation of Hazardous Materials Annual Meeting.
Topic: Keynote Remarks on Transportation of Hazardous Materials.
April 24, 2007.
Scottsdale, AZ.

American Petroleum Institute Annual Pipeline Conference.
Topic: Keynote Remarks on Pipeline Safety Leadership, Transparency, and Energy Reliability.
April 18, 2007.
Albuquerque, NM.

Regional Emergency Transportation Coordinators & Representatives Annual Conference.
Topic: Secretary's Response Goals for the Year to Come.
April 11, 2007.
Via Teleconference from Washington, D.C.

Combined Federal Campaign Closing Ceremony.
Topic: Thanks to DOT employees who supported the Combined Federal Campaign.
April 5, 2007.
Washington, D.C.

Keynote Address at the Motor Carrier Safety Association Conference.
Topic: Importance of Safe and Efficient Transportation Systems in America.
March 26, 2007.
Atlanta, GA.

Chlorine Institute's Annual Meeting.
Topic: Keynote Remarks on Risk Management.
March 20, 2007.
Houston, TX.

Compressed Gas Association Annual Meeting.
Topic: Keynote Remarks on Risk Management.
March 19, 2007.
St. Petersburg, FL.

Common Ground Alliance Annual Meeting.
Topic: Enterprise Approach to Reducing Significant Safety Risk.
March 7, 2007.
Orlando, FL.

American Gas Association Annual Board Meeting.
Topic: Keynote Address on Partnerships, Energy Reliability, Transparency, and Leadership.
February 19, 2007.
Washington, D.C.

Pipeline and Hazardous Materials Safety Administration Research and Development Public Conference.
Topic: The Importance of Investing in R&D to Safe Energy Infrastructure.
February 7, 2007.
New Orleans, LA.

Interstate Natural Gas Association of America Annual Board Meeting.
Topic: Keynote Remarks on System Risk Management, Partnerships, Transparency, Energy Reliability, and Leadership.
January 25–26, 2007.
Houston, TX.

Cooperative Hazardous Materials Enforcement and Development Annual Meeting.
Topic: Keynote Remarks on System Risk Management, Partnerships, Transparency, and Leadership.
January 23, 2007.
Salt Lake City, UT.

Association of Oil Pipe Lines/American Petroleum Institute's Winter Meeting.
Topic: Importance of Data Driven System Risk Management, Leadership, Transparency, and Energy Reliability.
November 30, 2006.
Washington, D.C.

Dangerous Goods Advisory Council Annual Meeting.
Topic: Keynote Address on System Risk Management, Partnerships, Transparency, and Leadership.
November 16, 2006.
Crystal City, VA.

Pipeline Safety Trust Annual Meeting.
Topic: Keynote Address on Enforcement Transparency and Public/Community Involvement in Safety Issues.
November 3, 2006.
New Orleans, LA.

National Association of State Pipeline Safety Representatives.
Topic: Keynote Address on State Partnerships, Enforcement Transparency, Energy Reliability, and Leadership.
November 2, 2006.
Little Rock, AK.

Emergency Preparedness Grant Announcement for First Responders.
Topic: Grant Announcement.
October 26, 2006.
Houston, TX.

Emergency Preparedness Grant Announcement for First Responders.
Topic: Grant Announcement.
October 25, 2006.
Monroe, LA.

Emergency Preparedness Grant Announcement for First Responders.
Topic: Grant Announcement.
October 19, 2006.
Oakland, CA.

Arizona Emergency Response Commission Annual Meeting.
Topic: Keynote Remarks on Emergency Response Readiness, Training, and the Value of Partnerships.
October 17, 2006.
Casa Grande, AZ.

Emergency Preparedness Grant Announcement for First Responders.
Topic: Grant Announcement.
October 17, 2006.
Phoenix, AZ.

Listening Session with Alaska Congressional Delegation.
Topic: PHMSA Actions to Oversee BP Performance.
October 13, 2006.
Anchorage, AK.

Emergency Preparedness Grant Announcement for First Responders.
Topic: Grant Announcement.
October 12, 2006.
Bellevue, WA.

International Vessel Operators Hazardous Materials Association Annual Meeting.
Topic: Keynote Remarks on the Importance of System Risk Management, Partnerships for Safety Results, Transparency, and Leadership.
October 11, 2006.
Long Beach, CA.

American Steel Factory.
Topic: Jobs and Our Economy, Pipeline Manufacturing Quality Assurance.
October 10, 2006.
Birmingham, AL.

Emergency Preparedness Grant Announcement for First Responders.
Topic: Grant Announcement.
October 9, 2006.
Philadelphia, PA.

Chamber of Commerce Annual Meeting.
Topic: Keynote Address on BP Pipeline Oversight.
October 7, 2006.
Kodiak, AK.

Emergency Preparedness Grant Announcement for First Responders.
Topic: Grant Announcement.
October 4, 2006.
Pittsburgh, PA.

National Association of State Fire Marshals.
Topic: "Prevention through People", Systems Risk Management, Partnerships, and Leadership.
October 3, 2006.
College Station, TX.

American Pyrotechnics Association Annual Meeting.
Topic: Keynote Remarks on Risk Management and Enforcement Transparency.
September 16, 2006.
Nashville, TN.

Pipeline and Hazardous Materials Safety Administration Annual Enforcement Meeting.
Topic: Remarks on Data Driven, System Risk Management, Inspection, and Enforcement; Resource Allocation.
September 13, 2006.
Solomons Island, MD.

National Association of State Fire Marshals Annual Meeting.
Topic: Brief Remarks, Awards.
August 12, 2006.
Washington, D.C.

Interested Parties on Hazardous Materials Transportation.
Topic: Safety Issues Pertaining to the Transportation of Hazardous Materials.
July 26, 2006.
Washington, D.C.

Pipeline Safety Trust Board/Family Members of Bellingham Accident.
Topic: Thanks for Work to Advance Pipeline Safety and PHMSA Commitment to Safe Operations.
July 6, 2006.
Bellingham, WA.

Department of Transportation's Pipeline and Hazardous Materials Safety Administration's Technical Standards Committee.
Topic: PHMSA's Role in Promoting the Safe Transportation of Hazardous Materials.
June 28, 2006.
Washington, D.C.

Department of Veterans Affairs.
Topic: Award Acceptance, Speech at their 5th Annual Champions of Veterans Enterprise Program.
June 14, 2006.
Washington, D.C.

Remarks while at Potomac Institute for Policy Studies:

Panelist
Topic: Stun Guns—Safety of Use.
Potomac Institute for Policy Studies Workshop.
February 23–24 2005.
Arlington, VA.

Panelist
Topic: Role of the Military in Combating Terrorism.
Potomac Institute for Policy Studies Workshop.
May 17, 2005.
Arlington, VA.

Coast Guard Innovation Conference.
Topic: The New Security Environment.
May 4, 2005.
San Jose, CA.

34th Institute for Foreign Policy Analysis and Fletcher School Conference.
Topic: Security Planning and Military Transformation after Iraqi Freedom.
December 4, 2003.
Washington, D.C.

I spoke regularly on service-related issues and priorities while Coast Guard Vice Commandant, Coast Guard Commander in Alaska and Director of Coast Guard Director of Reserve and Training in multiple public forums. Audiences included Coast Guard personnel, stakeholders, civic organizations, and the general public. I do not have records reflecting these events.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

(All appearances were in a governmental capacity)

House Appropriations Committee.
Topic: Hearing on Surface Transportation Safety and PHMSA FY 08 Budget Request.
March 29, 2007.
Washington, D.C.

Senate Commerce, Science, and Transportation Committee.
Topic: Hearing on Hazardous Materials Rail Security.
January 18, 2007.
Washington, D.C.

Senate Commerce, Science, and Transportation Committee.
Topic: Hearing on the Pipeline Safety Reauthorization.
November 16, 2006.
Washington, D.C.

House Committee on Transportation and Infrastructure.
Topic: Hearing on the Oversight of BP Prudhoe Bay Pipelines.
September 13, 2006.
Washington, D.C.

Senate Committee on Energy and Natural Resources.
Topic: Hearing on the Oversight of BP Pipelines.
September 12, 2006.
Washington, D.C.

House Committee on Energy and Commerce.
Topic: Oversight and Investigations of the BP Prudhoe Bay Pipelines.
September 7, 2006.
Washington, D.C.

House Energy and Commerce Committee.
Topic: Oversight Hearing on Discussion Draft of the Pipeline Safety and Reliability Act of 2006.
July 27, 2006.
Washington, D.C.

House Committee on Government Reform.
Topic: Government/Industry Preparedness for 2006 Hurricane Season.
June 2, 2006.
Washington, D.C.

House Subcommittee on Coast Guard and Marine Transportation.
Topic: Coast Guard Integrated Deepwater System.
April 26, 2004.
Washington, D.C.

Subcommittee on Oceans and Fisheries.
Senate Committee on Commerce, Science, and Transportation.
Topic: Magnuson-Stevens Fisheries Conservation and Management Act.
June 18, 2000.
Anchorage, AK.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

From my service in the United States Coast Guard, work at Potomac Institute, and most recently as the first Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA), I gained broad experience at both the operational and policy level related to transportation, transportation safety, transportation security, environmental protection, systems risk management, strategic planning, program budget planning and execution, public communication, and outreach. I understand and appreciate the value of partnering with other Federal agencies, states, stakeholders, the public, and the Congress to build effective enterprise solutions to transportation challenges. I understand the need and processes for effective and transparent Federal oversight and enforcement of Federal laws and regulations, the need to exercise fiscal discipline in Federal programs, the importance of sound performance measures, and the need for close attention to the capabilities, development, and performance of the Federal employees who carry out the Department missions on a daily basis.

If confirmed by the Senate, I strongly desire to serve as Deputy Secretary of Transportation because I truly believe the Department's missions are crucial to the safety, mobility and well-being of the American public and critical to continued growth of the American economy. I believe I have the requisite skills, experience and determination to affect a strong positive influence on Department mission outcomes. I am also energized by the leadership of Secretary of Transportation Mary Peters and desire to help advance her priorities for the Department.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed, I believe the Deputy Secretary is obligated to work closely with the Assistant Secretary for Budget (the CFO), the modal administrators, and in step with the recommendations of the Inspector General of the Department, the Office of Management and Budget, and the Government Accountability Office to ensure that Departmental programs have appropriate management and accounting controls, which are properly adhered to. Further, I believe that if gaps are uncovered, it is the responsibility of the Deputy Secretary to direct suitable and timely actions to correct any problems. My experience includes direct management responsibility for Federal program planning, budgeting, execution, oversight, and personnel leadership at multiple levels, including significant operational and program oversight responsibilities for a 46,000-person Federal agency with a $6.5 billion budget as the Coast Guard Vice Commandant. As Administrator for the Pipeline and Hazardous Materials Safety Administration since June 2006, and most recently as Acting Deputy Secretary of Transportation, I have also had the opportunity to closely observe and directly support the priorities of former Secretary Norman Mineta and Secretary Mary Peters and gain further hands-on experience on the current major policy and management issues facing the Department of Transportation.

20. What do you believe to be the top three challenges facing the department/agency, and why?

The following describes what I believe to be the top three challenges facing the Department of Transportation:

1. Improving transportation safety is an abiding Department responsibility, the Department's highest priority and greatest challenge. Safe travel is the expectation of the public, and the consequences of failure are tragic for individuals, families, and our communities. Despite steady safety progress in many areas of transportation, more remains to be done, and safety issues demand unrelenting attention.

2. Improving transportation systems performance. The ability of U.S. transportation systems to move products and people efficiently is vital to our security, economy, and ability to compete effectively in a global marketplace. It underpins our individual freedom to live and work where and how as we choose. Our current transportation systems are strained to capacity, challenged by aging infrastructure, and hobbled by outdated policies and technology. We need to improve how we build, sustain, and grow this crucial national capability, bringing new approaches and 21st century solutions to bear.

3. Ensuring the high quality performance of the Federal DOT workforce. Simply put, our strength is in the performance of our people; the DOT workforce is aging, and recruiting and retention of qualified personnel, especially in technical and engineering areas is an increasing challenge. We need to successfully position this workforce to meet future Federal transportation requirements.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

I have a 403(b) retirement plan funded while I was working at Potomac Institute. I have severed my employment and business association with Potomac Institute and Potomac Institute no longer makes any contributions to the plan. I have no other financial or deferred compensation arrangements.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation or practice with any business, association or other organization during your appointment? If so, please explain.

I have no such commitments or agreements.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None other than common stock in Nationwide Financial Services, referred to in the attached Deputy General Counsel opinion letter.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

None other than official duties with the Coast Guard and the Department of Transportation related to the execution of U.S. laws and policies.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In accordance with the attached letter of the Deputy General Counsel.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain. No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? If so, please explain.

While serving as the Commanding Officer of the Coast Guard Support Center at Kodiak, Alaska, I was accused (informally) by a petty officer of harassment because I ordered her to see a Coast Guard physician to evaluate whether she was suicidal. At the time, I had reason to believe she might have been. The complaint was informally investigated and dismissed.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

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RESUME OF THOMAS J. BARRETT, VICE ADMIRAL, USCG (RET.)

**Executive Summary**

Known for strengthening organizational values, clearly identifying strategic issues and goals, creating stakeholder partnerships, applying sound operational and business practices. fostering teamwork across a diverse work force, and ensuring program, policy, budget and communications alignment. Performance characterized by outcome focus, systems perspective, attention to people, and energetic execution.

**Professional Experience**

Acting Deputy Secretary, U.S. Department of Transportation, March 2006 to present.

Principal Advisor to Secretary of Transportation. Provide oversight and direction to ensure effectiveness and efficiency of Department operating programs. COO; responsible for day-to-day management of the Department's $61.1 million budget, 10 modal administrations, and 60,000 employees. Overseeing move of Department Headquarters to new SE Federal Center, increasing telecommuting by Department employees, ensuring Department readiness for hurricanes and other disasters, strengthening Department's safety initiatives, and identifying transportation infrastructure obstacles to expanding alternate energy development.

Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, President Appointed/Senate Confirmed, June 2005 to present.

Agency CEO. Advises the Secretary of Transportation on all matters within Pipeline and Hazardous Materials Safety Administration (PHMSA) jurisdiction. Directs national programs for reducing risks to life and property inherent in the transportation of hazardous materials in commerce and transportation of liquid, natural gas, petroleum, and other hazardous materials by pipeline. Partnered with the Administration, Congress, and stakeholders to achieve reauthorization of the Pipeline Safety Act, which bolsters state excavation damage prevention programs. the largest single cause of pipeline failures. Launched National 811 "Call Before You Dig" initiative with Common Ground Alliance. Increased oversight of British Petroleum and key national energy infrastructure at Prudhoe Bay, Alaska, following pipeline ruptures. Worked with Congress to close oversight gaps. Eliminated jurisdictional conflicts and improved system oversight by agreements with the Transportation Security Administration and the State of Alaska Department of Natural Resources. Increased public transparency of agency enforcement programs and focused public attention on pipeline and hazardous materials issues.

Vice President and Chief Operating Officer, Potomac Institute for Policy Studies, January 2005–March 2006.

Directed business activities, participated in policy studies at 501(c)(3) independent policy institute focused on national science and technology, national security, and homeland security policy. Reduced operating costs, improved IT support, and contributed to studies and papers related to combating terrorism, microelectronics, non-lethal weapons, improvised explosive devices, system of systems, and cyber defense.

Vice Commandant, United States Coast Guard, 2002 to 2004.

Second in Command of 46,000 person, $6.5 billion, maritime Armed Force. Directed Service in Commandant's absence. Principal policy advisor to the Commandant. Coordinated Coast Guard Leadership Council which issued agency

strategic direction. Agency Acquisition Executive. Performance instrumental to Coast Guard success with post-9/11 increase in maritime security responsibilities, move to new Department of Homeland Security, standup of Coast Guard membership in the National Foreign Intelligence community and support to Operation Iraqi Freedom, while sustaining other missions including counter-drug, migrant interdiction, environmental protection, living resource protection, and search and rescue. Agency performance metrics positive (*e.g.,* lives saved, migrants interdicted, illicit drugs seized). As Acting Commandant, directed successful response to December, 2003, heightened security evolution, Haitian government collapse, and the successful repatriation of thousands of migrants in difficult circumstances while preventing an influx of refugees into South Florida.

Commander, Seventeenth Coast Guard District, United States Coast Guard, 1999 to 2002.

Directed Coast Guard operations in Alaska and the North Pacific. Commander, Naval Forces Alaska. Delivered Operational Excellence across all mission areas. Post-9/11, devised and implemented a robust maritime security program to detect and deter terrorist threats that was fully integrated with Alaska Command, the Department of Justice, and the State of Alaska. Accident-free search and rescue program with 675 lives saved in over 2,200 cases. Implemented proactive, non-regulatory safety programs (Ready for Sea) to reduce risk. Partnered with state and Federal agencies, tanker and terminal operators to improve system risk management and safety of petroleum and shipping movements in Prince William Sound/Port of Valdez. Partnered with Federal and state agencies, cruise ship industry, interest groups and concerned citizens to sustain cruise ship activity while reducing harmful discharges into Alaskan waters. Led protection of Alaskan Fisheries through expanded enforcement to deter illegal high-seas driftnet fishing and maritime boundary incursions. Achieved the most foreign vessel seizures in 15 years and an 80 percent reduction in incursions. Built close partnership with the Russian Federal Border Service. To reduce safety risks, partnered with the State of Alaska to delay fisheries openings when storms forecast.

Director of Reserve and Training, United Stated Coast Guard, 1997 to 1999.

Directed all Coast Guard officer and enlisted training and leadership development programs. Directed Coast Reserve. Member, Board of Trustees, Coast Guard Academy. Expanded use of performance technology, resulting in numerous process improvements, including significant reduction in recruit attrition at boot camp. Oversaw standup of new Leadership and Development Center at Coast Guard Academy. Consolidated and aligned all Coast Guard officer and enlisted leadership development programs, improved personnel conduct and performance across the agency, and restored 8,000 member Reserve to authorized strength from 25 percent shortfall.

Deputy Commander, Maintenance and Logistic Command, Atlantic, United States Coast Guard, 1996 to 1997.

Instrumental to relocation of 500-person engineering and logistics command from Governors Island, NY to Norfolk, VA. Within weeks of relocation, despite staff vacancies of up to 50 percent managed successful response to two hurricanes, TWA 800 crash, and urgent need for expanded forward support bases for counter-drug mission in Caribbean. Expanded use of performance metrics. Improved resource visibility helped Command meet three-fold increase in temporary personnel demand despite reduced pool to draw from. Increased cutter availability by reducing unscheduled yard days.

Deputy Chief, Personnel and Training, United States Coast Guard, 1994 to 1996.

Realigned office to meet or exceed all performance goals with 24 percent reduction in staff. Revised agency personnel policies on fraternization and sexual harassment to better address increasing number of women service members. Introduced strategic planning to office by in depth budget analysis, and recouped $450,000 for reallocation to tier one objectives.

Commanding Officer, Support Center Kodiak, United States Coast Guard, 1991 to 1994.

Developed and implemented strategic vision and initiatives that delivered consistent "Rock Solid" Support by Coast Guard's largest/most complex base. Formed environmental partnerships with DOD, Federal, and state regulatory agencies to accelerate clean up of waste sites. Partnered with community to pro-

vide elementary school on base during renovation of community school buildings. Established multiple cooperative agreements with state and local law enforcement, fire departments, and medical services to conserve tax funds and improve services.

Special Assistant to Chief Counsel, Chief Legal Programs and Policy, United States Coast Guard, 1989 to 1991.

Managed all senior attorney assignments for the Chief Counsel. Rebalanced program assets to improve program legal services without additional resources. Overhauled program information sharing to reduce duplication of work. Implemented electronic and voice mail and conversion of research data to CD–ROMs, the first such use in the Coast Guard.

Executive Officer, USCG Base/Support Center Kodiak, United States Coast Guard, 1985 to 1988.

As part of service-wide initiative, contracted base services, reducing costs by over $2 million annually. Coordinated numerous CG/DOD exercises in Northern regions. Instrumental to establishing U.S. Navy Seal training facility on Kodiak.

Principal Assistant/District Legal Officer, United States Coast Guard, 1981 to 1985.

Provided operational and program support legal advice, opinions, and guidance for Coast Guard operations in Alaska. Devised process to adjudicate seized foreign fishing vessels under the Magnuson Fishery Conservation and Management Act. Aided successful prosecution of 18 cases. Identified fraud in government construction contract and pursued contractor, eliminating over $3 million in claims against the government.

Office of Marine Safety and Environmental Protection, United States Coast Guard, 1978 to 1981.

Special Project Staff for Outer Continental Shelf Safety and Implementation of the Outer Continental Shelf Lands Act.

Claims and Litigation Staff—Office of Chief Counsel, United States Coast Guard, 1976 to 1978.

Public Affairs Officer/Aide to the District Commander, United States Coast Guard, 1971 to 1973.

Deck Officer—USCGC CHASE (WHEC–718), United States Coast Guard, 1969 to 1971.

Vietnam Service

**Education**

J.D. with Honors, 1976, George Washington University, Washington, D.C., Law Review; Coif.

B.S., Biology, 1968, Lemoyne College Syracuse, NY.

Capstone Course in National Security Strategy and Military Capabilities, 1996, National Defense University Washington, D.C.

Military Strategic Studies, 1988–1989, Army War College, Carlisle, PA.

**Other**

Security Clearance—TS/SSBI (current).

Member, District of Columbia Bar.

Member, United States Naval Institute.

Life Member, Veterans of Foreign Wars of the United States, Coast Guard Combat Veterans Association.

The CHAIRMAN. I thank you very much, Admiral.

Our next nominee is Mr. Paul R. Brubaker. He has been nominated to serve as Administrator of the Research and Innovative Technology Administration of the Department of Transportation.

Congratulations, and welcome, sir.

## STATEMENT OF PAUL R. BRUBAKER, NOMINEE TO BE ADMINISTRATOR, RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Mr. BRUBAKER. Thank you very much.

The CHAIRMAN. Would you care to introduce your family before——

Mr. BRUBAKER. Yes, I'd love to——

The CHAIRMAN.—you proceed?

Mr. BRUBAKER.—Mr. Chairman.

My lovely wife, Carolyn here, I'd like to publicly thank her for all the support she's given me over my career. My little son, Gavin, who's 4, he's a wonderful little boy. And my mother-in-law, Ruth Ann Renford. My 7-year-old, who suffers from autism, is actually out playing in the elevators right now, which he finds far more thrilling than Daddy's hearing, so—but I do want to publicly thank them for being supportive of me throughout my career.

The CHAIRMAN. Please.

[Applause.]

The CHAIRMAN. Mr. Brubaker?

Mr. BRUBAKER. Chairman Inouye, distinguished Members of the Committee, it is a privilege to appear before you today, and I appreciate your time and consideration.

I am grateful for the confidence shown in me by the President and Secretary Peters for nominating me for this important position.

I would also like to thank Secretary Cohen for his kind remarks, as well as what I affectionately refer to as "Team Cohen," who is a group of former staffers and people who have been affiliated with Secretary Cohen over the years, for their moral support to me throughout my career.

Mr. Chairman, the constant and efficient movement of people and goods across our country, and, indeed, around the globe, is crucial to sustaining our global economic leadership and ensuring the quality of life for all Americans. Yet, the increasing demands placed on our transportation system to meet the needs of our growing population, changing demographics, and logistical demands of commerce are placing unprecedented stress on our system. Overcoming these challenges will increasingly rely on the development and deployment of new technologies and solutions. Because of this, the Research and Innovative Technology Administration, or RITA, plays an increasingly important role coordinating the research and development activities across the Department in order to maximize the benefit of our multibillion-dollar investment in transportation-related technologies.

I believe my government experience at the GAO, the U.S. Senate, the Department of Defense, as well as my private-sector experience in the technology industry, will serve me well, should I be confirmed as the next RITA Administrator. Over the past few decades, I've been exposed to the commercialization and application of many transformational technologies and innovations. And, should I be confirmed, I look forward to working with the Department and the stakeholders to introduce these exciting capabilities. If confirmed, I welcome the opportunity to work with the Committee to advance our transportation interests and maximize the benefits of transpor-

tation-related innovation and technology to improve the quality of life for all Americans.

Thank you for the opportunity to appear before you today, and I welcome any questions the Committee may have.

[The biographical information of Mr. Brubaker follows:]

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used): Paul Richard Brubaker.
2. Position to which nominated: Administrator, Research and Innovative Technology Administration, United States Department of Transportation.
3. Date of Nomination: June 18, 2007.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: 12030 Sunrise Valley Drive, Suite 120, Reston, Virginia 20191.

5. Date and Place of Birth: January 25, 1961; Youngstown, Ohio.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Carolyn Kay Brubaker, Business Development, Microsoft Corporation.

Children: Jackson Beil Brubaker, 7; Gavin Spencer Brubaker, 4.

7. List all college and graduate degrees. Provide year and school attended.

B.A., Youngstown State University, 1983.
M.P.A., Kent State University, 1985.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Post-graduate Employment:

Program Manager, City of Stow, Ohio, 1984–1985.

Broker, E.F. Hutton, 1985–1986.

Evaluator and Senior Evaluator, U.S. General Accounting Office, 1987–1991.

GAO Detail, Senate Appropriations Committee, 1990–1991.

Staff Investigator, Senate Subcommittee on Oversight of Government Management, Senate Committee on Governmental Affairs, 1992–1993.

Management Level Jobs Held:

Republican Staff Director, Deputy Staff Director, Senate Subcommittee on Oversight of Government Management, Senate Committee on Governmental Affairs, 1993–1996.

Vice President, Business Development, Federal Data Incorporated, 1996–1997.

Vice President, Strategic Programs, Litton PRC, 1997–1999.

Principal Director and Deputy Assistant Secretary of Defense (Deputy CIO), Department of Defense, 1999–2001.

President, Commerce One e-Government Solutions, 2001.

CEO, Aquilent (formerly Commerce One e-Government Solutions Inc.), 2002.

Founder and Partner, ICG Government, 2002–2003.

Executive Vice President and Chief Marketing Officer, SI International, 2003–2006.

CEO and Chairman of Board of Directors, Procentrix, 2006–present.

9. Attach a copy of your resume. A copy is attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

Innovative Technology Authority (Center for Innovative Technology).
Commonwealth of Virginia, Board Member (1998–2003), Chairman (2001–2003).

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership,

or other business, enterprise, educational, or other institution within the last 5 years.

CEO and Director, Aquilent.

Founder and Partner, ICG Government.

Executive Vice President, SI International.

CEO and Chairman of Board of Directors, Procentrix.

Sole proprietor for condominium in Florida (created 6/07), PR Brubaker LLC.

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

*Memberships:*

Armed Forces Communication and Electronics Association (AFCEA) (1996–present).

Chairman Emeritus, Technical Committee (present).

Past President, DC Chapter (2006–present).

Board of Directors DC Chapter (2001–present).

Chairman, Technical Committee AFCEA International (2004–2006).

Board Member, Technical Committee AFCEA International (2001–2006).

President, DC Chapter (2005–2006).

Vice President, DC Chapter (2004–2005).

Treasurer, DC Chapter (2003–2004).

Secretary, DC Chapter (2002–2003).

Industry Advisory Council (2001–present).

Industry Chairman, Management of Change Conference (2001).

Information Technology Association of America (2001–present).

Northern Virginia Technology Council (2006–present).

Winston S. Churchill Centre (2002–present).

Churchill Centre Fellow (2005–2007).

Churchill Centre Associate (2006–present).

Churchill Centre Leadership Committee (2006–present).

Churchill Centre Audit Committee Member (2006–present).

Council for Excellence in Government (1996–present).

Tower Club (1996–present).

University Club of Washington, D.C. (2006–present).

13. Have you ever been a candidate for and/or held a public office (elected, nonelected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Yes. I ran for the Virginia State Senate in 1995. The campaign has no outstanding debt.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

Tom Davis for Congress
(6/21/2001) $250.00
(10/21/2002) $500.00
(12/09/2003) $1,000.00
(12/13/2005) $1,000.00
(4/10/2006) $400.00
(4/10/2006) $1,100.00
(6/30/2006) $1,700.00

Collins for Senator
(10/09/2002) $500.00
(3/31/2007) $1,000.00

Snowe for Senate
(7/27/2006) $1,000.00
(10/18/2006) $1,000.00

Friends of Joe Lieberman
(11/01/2006) $500.00

Friends of George Allen
(11/12/1999) $500.00
(4/12/2003) $1,000.00
(3/23/2005) $250.00
(6/08/2005) $1,000.00

Federal Victory Fund
(8/21/2003) $500.00
(6/21/2003) $1,000.00

Bush for President
(8/05/1999) $500.00

SI International Political Action Committee
The total aggregate contribution was $8,880.

Jeannemarie Devolites for House (Virginia House of Delegates)
(1/29/2003) $500.00

Mark Earley for Governor
(7/24/2001) $1,000.00

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Department of Defense Medal for Distinguished Public Service (with bronze palm), 2001.

Association for Federal Information Resource Management, Government Executive of the Year, 2000.

*Federal Computer Week,* Federal 100, 1996 and 2002.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

I have published articles for *Federal Computer Week* but mostly relating to technology acquisition policy *(e.g.,* "Before Clinger-Cohen there was Chaos" published in FCW on June 6, 2005). I have also given a number of technology-policy related speeches although virtually none were scripted. I also regularly lecture before software acquisition classes at the Defense Acquisition University on the development of technology-related acquisition statutes.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, House Committee on Government Reform, July 21, 2004, "The role of the Chief Information Officer in the Federal Government."

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

If confirmed, my government background will serve me well. I gained valuable program evaluation experience at the United States General Accounting Office (now Government Accountability Office) and program review and policy experience as a staff member for the Subcommittee on the Oversight of Government Management of the Senate Committee on Governmental Affairs. Each of these roles exposed me to best practices in capital planning and investment control for technology programs and prepared me for my work at the Defense Department. At DoD, I implemented legal and regulatory requirements in a very large and complex organization, with a variety of competing stakeholders (similar to the situation that, if confirmed, I would expect to encounter at the Department of Transportation).

Additionally, as a former board member and chairman of the Innovative Technology Authority of Virginia, I have been exposed to a number of applied research programs in a variety of areas, including transportation. I understand the need to coordinate research, while transferring and commercializing technology so that the

benefits of our investment can be enjoyed by the public. As a board member and chairman of the Technology Committee of the Armed Forces Communications and Electronics Association, I was exposed to a number of innovative and cutting edge technologies that can and are being applied to our Nation's armed forces.

I wish to serve in the Administration because I deeply believe that my prior service and background provides me with a unique perspective of the challenges facing RITA. If confirmed, I will be able to make substantial and long lasting contributions to the operations of the agency.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed as RITA Administrator, I will be charged with ensuring that the agency has proper management and accounting controls in place and that a high degree of transparency and visibility is maintained.

I will also work closely with the appropriate Department officials to ensure regular operational and financial oversight and reporting mechanisms are in place. My experience on Capitol Hill allowed me to work on legislation specifically designed to apply capital planning, investment control and portfolio management and reporting to the Federal Government's investments in technology. I believe these same principals can be applied to the Department of Transportation's portfolio of research programs.

As Deputy CIO at the Department of Defense it was my responsibility to establish controls and oversight over the Department's $50 billion portfolio of IT investments—many that we managed by the individual services much in the same way many research programs are managed by the individual modal administrations within the Department of Transportation. Given my background, I fully understand and appreciate the need for not just management and accounting controls but visibility into the organization down to the transaction level. My most recent private sector experience and past government experience including managing one of the largest technology focused oversight organizations in the Federal Government allows me to bring a unique perspective and experience set to this role.

20. What do you believe to be the top three challenges facing the department/agency, and why?

I believe the top three challenges facing the department/agency are:

1. Coordination of the research activities across the Department of Transportation, including elimination of duplicative efforts. The Department annually spends more than $1 billion on basic and applied research.

Research coordination is a challenge because research dollars within the Department have historically been managed and controlled by the various modal administrations. As a new mode. RITA must be sensitive to history and needs of the other modes while exercising its statutory responsibility to ensure that these dollars yield maximum measurable returns and benefits to the taxpayer. In order to achieve efficient coordination, I believe it is important to bring stakeholders, both inside and outside of the Department, to the table as partners. This relationship-building has already begun, and RITA is well-positioned to ensure that the Department's research investment is coordinated, mission focused and directed in a manner that is relevant, visible, and produces measurable results.

2. Establishing RITA's authority, within the Department of Transportation, as the global leader in the development of transportation technology and ensuring that such technology is systematically and rapidly commercialized, transferred, or otherwise made available to operators and citizens.

There is a significant amount of transportation-related research and innovation taking place within the Department of Transportation, University Transportation Centers, and other publicly funded organizations. Combined with the significant investment that is also occurring within other organizations, RITA has an opportunity to identify and share research and technological advances that can be timely and effectively deployed to help us better anticipate and address our future transportation needs. If confirmed, I intend to work to ensure that RITA continues along the path to becoming the centralized knowledge repository for these activities to better share information among the modes and stakeholders, eliminate redundant efforts, as well as to ensure smart, highly leveraged Federal Government investment in future technology.

3. Leverage existing and developing technologies across multiple modes.

There are many existing and developing technologies that are directed for use in one mode but often have applicability across multiple modes. For example,

collision avoidance technology that is developed for the airline industry may also be applied with some modification to other modes such as maritime or highways. Anti-fatigue efforts may also be applied across modes. If confirmed, I would make it a priority to ensure that RITA will look for opportunities to leverage existing and developing technologies and innovations across all transportation modes.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I have a deferred compensation agreement with SI International that has approximately $61,000 remaining that will be distributed in three future disbursements. These disbursements are scheduled to occur at the beginning of June each year.

If confirmed, I have agreed to resign my position from Procentrix and divest my financial interest with the company.

My wife works for Microsoft Corporation and I anticipate recusing myself from any dealings with Microsoft Corporation.

There are no pension or retirement accounts that are in the control of any company, however, I have a 401(k) plan that remains under an SI International managed custodian.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated: Please refer to the Deputy General Counsel's opinion letter.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

There are three potential conflicts that could arise. The first involves SI International, because I still receive deferred compensation from a program that is sponsored by them. Under the terms of the program if SI International were to become insolvent I would no longer receive distributions under the program and would be treated as an unsecured creditor. Second, my position with Procentrix could be seen as a potential conflict, although I intend to be fully divested from ownership in Procentrix upon confirmation and will also resign as Chairman and CEO at that time. Third, there is a potential conflict of interest with Microsoft, my wife's employer. She receives compensation from the company and incentive compensation directly related to the company's performance in the U.S. Federal marketplace. I intend to recuse myself from any dealings with RITA and any of these entities.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy: None.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items: Please refer to the Deputy General Counsel's Opinion letter.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain. No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

Yes. In 1984, during graduate school I was cited for a noise violation. I paid a small fine and court costs.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.
2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

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RESUME OF PAUL RICHARD BRUBAKER

**Experience**

Chairman and Chief Executive Officer, Procentrix, Inc., 2006 to present.

Founded innovative functional and technical consulting organization.

Created organization focused on developing and deploying functional and technical expertise to assist organizations to align people, processes and technologies to achieve dramatic and measurable improvements in mission performance.

Built firm of seven employees and $100K in monthly revenue serving four clients and named as one of Federal Computer Week's *Top Ten Organizations to Watch for 2006* in 6 months.

Built standard and repeatable delivery methodology for a variety of management processes including program management, capital planning and investment control and earned value management using commercial off the shelf technologies.

Executive Vice President, Chief Marketing Officer, SI International, 2003 to 2006.

Created a best in class organization by aligning people, resources and processes to achieve organizational growth goals.

Responsible for all marketing, sales, communications and investor relations for a top 50 information technology firm.

Planned and executed detailed growth plan that succeeded in growing the firm's revenues from $160M to $400M.

Built best of class processes, capabilities and tools that will enable scaling marketing and sales activity to support a $1B in annual revenue.

Founding Partner, ICG Government, 2002 to 2003.

Developed a small firm that provided educational programs to improve performance of contractors in responding to government requirements.

Created a series of networking events designed to increase communication between senior level government officials and the technology industry.

Grew the firm to 12 retained clients and more than $150K in monthly revenue within the first year of operations.

Chief Executive Officer, Aquilent Inc., 2001 to 2002.

Hired by Commerce One to manage its government services operation and quickly organized a management buyout of this 125 person professional services operation.

Led all aspects of the management buy out including securing investment capital and banking relationships while minimizing disruption to clients and staff.

Successfully managed the transition to the new entity and successfully aligned organization to new mission and goals post-acquisition.

Deputy Assistant Secretary of Defense (Deputy Chief Information Officer) 2000 to 2001; and Principal Director, Office of the Deputy Assistant Secretary of Defense (Deputy Chief Information Officer) 1999 to 2000, United States Department of Defense, 1999 to 2001.

Aligned 120 person organization with expanded mission requirements including the DOD response to the year 2000 date change for mission critical systems.

Established a number of critical operational processes including governance, capital planning and investment control, portfolio management and policy development for Department-wide IT initiatives.

Supervised the development of Department-wide architecture standards and chairing numerous investment, policy and oversight boards.

Responsible for implementation of Departmental responsibilities under the Clinger-Cohen Act and other related laws and regulations.

Vice President of Strategic Programs, Litton PRC McLean, 1997 to 1999.

Responsible for the redesign of the marketing and communication activities of the company in response to the changing Federal marketplace resulting from changes in law, policy and government regulation.

Advised the President on reallocation of company resources and organizational alignment to compete in the changing market to include: bidding on contract vehicles, standing up tactical sales activity and engaging in direct communication with buyers.

Deputy Staff Director, 1994 to 1996; Republican Staff Director, 1992 to 1994; Chief Investigator, 1991 to 1992; Senate Subcommittee on Oversight of Government Management, U.S. Senate, 1991 to 1996.

Responsible for planning and executing a variety of government oversight activities on behalf of the Subcommittee Chairman then-Senator William S. Cohen (R-Maine).

Responsible for leading all technology and acquisition-related oversight and legislation for the Subcommittee including the publication of the Computer Chaos report issued in 1994 and the Information Technology Management Reform Act of 1996 (now known as the Clinger-Cohen Act).

Evaluator, United States General Accounting Office, 1986 to 1991.

Managed a number of cost, schedule and performance audits of Federal programs including those at the Departments of Veterans Affairs, Education, Energy and Defense including major weapons systems acquisition.

Selected for a 1-year assignment to the Senate Committee on Appropriations where assignments included budget analysis on the information technology spending of several departments including the Departments of Veterans Affairs and Housing and Urban Development and the National Aeronautics and Space Administration.

**Education**

Youngstown State University, Youngstown, Ohio, 1983.

Bachelor of Arts Degree.

Kent State University, Kent, Ohio, 1985.

Master of Public Administration.

**Activities**

Chairman, Virginia Innovative Technology Authority (2001 to 2003); board member (1998 to 2003). Appointed by Governor Jim Gilmore (R-Virginia).

Chairman, Technical Committee, Armed Forces Communications and Electronics Association (AFCEA) (2003 to 2006); Board Member (1997 to 2006).

Principal, Council for Excellence in Government (1996 to present).

President, AFCEA DC Chapter (2005 to 2006).

Information Technology Association of America (1996 to present).

Government Electronic Industries Association Board of Directors (1996 to 1999).

Associate and Fellow, the Churchill Centre (2003 to present).

Republican Nominee for Virginia State Senate (1995).

**Awards**

Government Executive of the Year, Association for Federal Information Resource Managers (AFFIRM) (2001).

Department of Defense Distinguished Public Service Medal (with palm device) (2001).

*Federal Computer Week* Federal 100 award (1996 and 2001).

The CHAIRMAN. I thank you very much, Mr. Brubaker.

Our next nominee will be the Chief Financial Officer of the National Aeronautics and Space Administration, Mr. Ronald Spoehel.

Mr. Spoehel?

## STATEMENT OF RONALD R. SPOEHEL, NOMINEE TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. SPOEHEL. Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before you today as you consider my nomination for the position of Chief Financial Officer of NASA. It is an honor to be here, and I am privileged to have been nominated by the President to this post.

I also appreciate the time the Members of this Committee have already taken to meet with me and consider my nomination. If confirmed, I look forward to working with Members of this Committee in addressing the challenges of maintaining America's preeminent position in pioneering space exploration and aeronautics, while also undertaking vigorous scientific research programs advancing our knowledge and understanding of our own planet.

If confirmed as NASA's CFO, I am committed to working with Administrator Griffin, NASA's dedicated professionals, Congress, the White House, the private sector, and other key constituencies, to address the challenges of meeting the President's Vision for Space Exploration and the Nation's objectives for NASA while undertaking the mission in the most effective and efficient manner possible, especially during a time when there are many other competing demands for our Nation's resources.

The position of Chief Financial Officer of any organization carries a tremendous responsibility. It is the pivotal interface where budget, accountability, and sound fiscal management all reside. Over my career, I am fortunate to have gained broad financial management and leadership experience as an officer and an executive for more than 25 years, with a variety of complex, multidivisional, geographically dispersed companies, with operations serving the government and the space community.

I am familiar with many of the challenges of providing leadership within organizations of global size, complexity, and scale. The challenges ahead for NASA are many, and, if confirmed, I would make it a priority to meet with the leadership of NASA, as well as each of the constituencies with which NASA's CFO organization interfaces, to understand the key challenges ahead for NASA, and to work with my staff so these receive appropriate attention and resources to ensure NASA's success in meeting those challenges.

I believe public service is a duty, a privilege, and an honor. Both of my late parents had served in the Federal Government, and I had an abiding interest in space and aeronautics instilled as my fa-

ther pursued his aerospace engineering career, and I had an opportunity to personally witness many of the pioneering events in the industry. I'm very enthusiastic about the opportunity, if confirmed, to address the challenges of the position, and to bring my financial and leadership experience into the service of NASA and the Federal Government.

Mr. Chairman, Members of the Committee, I thank you, again, for your consideration of my nomination, and I look forward to answering any questions you might have.

In deference to your time and the time of this Committee, I ask that the remainder of my prepared statement, that was presented to the Committee, be presented in its entirety and entered into the record.

The CHAIRMAN. Without objection, so ordered.

[The prepared statement and biographical information of Mr. Spoehel follow:]

PREPARED STATEMENT OF RONALD R. SPOEHEL, NOMINEE TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. Chairman, Vice Chairman, and Members of the Committee, thank you for the opportunity to appear before you today as you consider my nomination for the position of Chief Financial Officer of NASA. It is an honor to be here and I am privileged to have been nominated by the President to this post. I also appreciate the time Members of this Committee already have taken to meet with me and consider my nomination. If confirmed, I look forward to working with the Members of this Committee in addressing the challenges of maintaining America's preeminent position in pioneering space exploration and aeronautics, while also undertaking vigorous scientific research programs advancing our knowledge and understanding of our own planet.

If confirmed as the NASA Chief Financial Officer, I am committed to working with Administrator Griffin, NASA's dedicated professionals, Congress, the White House, the private sector, and other key constituencies to address the challenges of meeting the President's Vision for Space Exploration and the Nation's objectives for NASA, while undertaking the mission in the most effective and efficient manner possible, especially during a time when there are other competing demands for our Nation's resources.

The position of Chief Financial Officer of any organization carries a tremendous responsibility as the pivotal interface where budget, accountability, and sound fiscal management all reside. It will be my goal, if confirmed, to build upon the progress that has already been made and continue to improve the management, performance, and results for the Agency.

Over my career, I am fortunate to have gained broad financial management and leadership experience as an officer and executive for more than 25 years with a variety of complex, multi-divisional, geographically dispersed companies with operations serving the government and the space community. These positions include having served as Executive Vice President, Chief Financial Officer, and a member of the Board of Directors of ManTech International, a NASDAQ-listed company which, for example, I led through the intensive process of implementing the internal controls, accounting and financial reporting systems necessary for Sarbanes-Oxley compliance. I have also served in general management as an executive officer of other global technology companies with complex multi-divisional operations, including large, established companies such as NYSE-traded Harris Corporation.

With experience as an executive and officer of large, complex, multi-divisional, and geographically dispersed public and private companies, I am familiar with many of the challenges of providing leadership within organizations of global size, complexity, and scale. If I am confirmed, I would bring to NASA broad experience within finance and general management, as well as particular experience in coordinating successful audits for large multinational companies and in implementing shared service centers, operational efficiencies, enhanced reporting and analysis, and internal control systems, similar to many of the requirements under the Chief Financial Officers (CFO) Act, Federal Financial Management Improvement Act (FFFMIA), the Federal Managers Financial Integrity Act (FMFIA), the Improper

Payments Information Act (IPIA), and the Government Performance Results Act (GPRA).

The challenges ahead for NASA are many, and, if confirmed, I would make it a priority to meet with the leadership of NASA and with my staff, as well as each of the constituencies with which NASA's CFO organization interfaces, to understand the current key challenges which NASA and its CFO organization face and to work with my staff so that these receive the appropriate attention and resources to ensure Agency success in meeting these challenges. In particular, I would familiarize myself with the existing NASA plan to address its financial management challenges and assure there is a sound plan for addressing any deficiencies. I would work with my staff to refine and implement plans as may be appropriate and required to meet the objectives for such plan. I would also make it a priority to work with my staff to support Agency efforts to achieve unqualified audit opinions, maintain appropriate financial systems, implement strong internal control systems, and be a first-class management organization.

I believe public service is a duty, a privilege and an honor. Both of my late parents had served in the Federal Government and I had an abiding interest in space and aeronautics instilled as my father pursued his aerospace engineering career and I had the opportunity to witness many pioneering events in the industry. I am enthusiastic about the opportunity, if confirmed, to address the challenges of the position and to bring my financial and leadership experience into the service of NASA and the Federal Government.

Mr. Chairman and Members of the Committee, I thank you, again, for your consideration of my nomination and I look forward to answering any questions you may have.

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A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used): Ronald R. Spoehel.

2. Position to which nominated: Chief Financial Officer, National Aeronautics and Space Administration.

3. Date of Nomination: May 16, 2007.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: Not Applicable.

5. Date and Place of Birth: October 28, 1957; Los Angeles, California.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Wife: Deborah B. Spoehel, Homemaker.
Children: Elizabeth, 11; James, 8.

7. List all college and graduate degrees. Provide year and school attended.

| | | |
|---|---|---|
| M.B.A. | 1980 | The Wharton School, University of Pennsylvania. |
| M.S. Engineering | 1980 | The Moore School of Electrical Engineering, University of Pennsylvania. |
| B.S. Economics | 1979 | The Wharton School, University of Pennsylvania. |

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

*Executive Vice President, Chief Financial Officer and Director, ICx Technologies, Inc.*

*Executive Vice President, Chief Financial Officer and Director, ManTech International Corporation.*

Chairman, Alpine Partners, LLC.

*Chief Executive Officer and Director, Optinel Systems, Inc.*

*Vice President—Corporate Development, Harris Corporation.*

*Senior Vice President, ICF Kaiser International Inc.*

*Vice President, Investment Banking, Lehman Brothers.*

*Vice President, Bank of American NT&SA.*

*Business/Program Analyst, Hughes Aircraft Company.*

9. Attach a copy of your resume.

Mr. Spoehel is a private investor. Previously, he served as Executive Vice President, Chief Financial Officer and Director of ICx Technologies, an advanced technologies security solutions company. Prior to joining ICx in 2005, Mr. Spoehel was Executive Vice President, Chief Financial Officer and Director of ManTech International Corporation, a NASDAQ-listed government technology solutions company. Prior to joining ManTech in 2003, he served as Chairman of Alpine Partners, LLC, a private investment advisory firm he founded in 2002. From 2000 to 2002, he served as Chief Executive Officer and Director of Optinel Systems, Inc., an optical communications equipment company. From 1994 to 2000. Mr. Spoehel served as Vice President—Corporate Development of Harris Corporation, a NYSE-listed Fortune 500 global communications equipment and defense electronics company. From 1990 to 1994, he served as Senior Vice President of ICF Kaiser International Inc., a NYSE-listed company with global operations, in a variety of general management roles. Prior to 1990, he served as Vice President, Investment Banking of Lehman Brothers and as Vice President of Bank of America.

Mr. Spoehel graduated magna cum laude from the Wharton School, University of Pennsylvania. He also received his MBA from Wharton and MS Engineering from the Moore School of Electrical Engineering, University of Pennsylvania. He has served on the Board of Directors of the Professional Services Council and the Advisory Council for the Wharton and Engineering Schools at the University of Pennsylvania. Mr. Spoehel has also served on the Boards of private companies both in the U.S. and in Europe.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years: None.

11 List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Executive Vice President, Chief Financial Officer and Director, ICx Technologies, Inc.

Executive Vice President, Chief Financial Officer and Director, ManTech International Corporation.

Director, Professional Services Council.

Chairman, Alpine Partners, LLC.

Member, University of Pennsylvania, Engineering and Wharton Schools EMTM Advisory Council.

Personal Representative, Estate of Edwin H. Spoehel.

Co-Trustee, Geraldine Spoehel Family Trust.

Trustee, Ronald R. Spoehel Revocable Trust.

Trustee, Deborah B. Spoehel Children's Trust.

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

| *Organization* | *Position* | *Dates* |
|---|---|---|
| *Current Memberships:* | | |
| Economic Club of Washington, D.C. | Member | 2004–Present. |
| Financial Executives Institute | Member | 2003–Present. |
| Metropolitan Club of Washington, D.C. | Member | 1995–Present. |
| National Association of Corporate Directors | Member | 2004–Present. |
| Westwood Country Club, Vienna, Virginia | Member | 2005–Present. |
| Wharton Club of Washington, D.C. | Member | 2003–Present. |
| *Prior Memberships:* | | |
| Armed Forces Communications and Electronics Association | Member | 2003–2005. |
| Association for Corporate Growth | Member | 2005–2006. |
| Eau Gallie Yacht Club | Member | 1995–2000. |
| Potomac Officers Club | Member | 2004–2006. |
| Professional Services Council | Director | 2004–2005. |
| University of Pennsylvania, Engineering and Wharton Schools EMTM Advisory Council | Member | 1998–2003. |

None of the above organizations restricts membership on the basis of sex, race, color, religion, national origin, age or handicap.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount. and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

ICx Technologies Inc. PAC, 2006, $1,270.

ManTech International Corporation PAC, 2004, $2,000.

Help America's Leaders PAC, 2004, $2,000.

Rick Renzi for Congress, 2004, $500.

ManTech International Corporation PAC, 2003, $2,000.

No offices with any state or national political party or election committee have been held during the past 10 years.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Hughes Aircraft Company Scholarship, 1979.

Junior Achievement National Award Scholarship (competitive), 1975.

Commendation from The Senate, California Legislature, July 1, 1975.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed. None.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony: None.

18. Given the current mission. major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

Over my career, I have obtained broad financial management and leadership experience as an officer and executive for more than 25 years with a variety of complex, multi-divisional, geographically dispersed companies with operations serving the government and the space community. These positions include having served as Executive Vice President, Chief Financial Officer, and a member of the Board of Directors of ManTech International, a NASDAQ-listed company which, for example, I led through the intensive process of implementing the internal controls, accounting and financial reporting systems necessary for Sarbanes-Oxley compliance. I have also served in general management as an executive officer of other global technology companies with complex multi-divisional operations, including large, established companies such as NYSE-traded Harris Corporation.

I believe public service is a duty, a privilege and an honor. Both of my late parents had served in the Federal Government and I had an abiding interest in space and aeronautics instilled as my father pursued his aerospace engineering career and I had the opportunity to witness many pioneering events in the industry. I am enthusiastic about the opportunity, if confirmed, to address the challenges of the position and to bring my financial and leadership experience into the service of NASA and the Federal Government.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The position of Chief Financial Officer of any organization or Agency carries a tremendous responsibility as the pivotal interface where budget, accountability, and sound fiscal management all reside. It will be my goal, if confirmed, to build upon the progress that has already been made and continue to improve the management, performance, and results for the Agency.

If confirmed as NASA Chief Financial Officer, I will familiarize myself with the existing NASA plan to address its financial management challenges and assure there is a sound plan for addressing any deficiencies. I would work with my staff to refine and implement plans as may be appropriate and required to meet the ob-

jectives for such plan. I would also make it a priority to work with my staff to support Agency efforts to achieve unqualified audit opinions, maintain appropriate financial systems, have strong internal control systems, and be a first-class management organization.

With experience as an executive and officer of large, complex, multi-divisional and geographically dispersed public and private companies, I am familiar with many of the challenges of providing leadership within organizations of global size, complexity and scale. If I am confirmed, I would bring to the NASA Chief Financial Officer role broad experience both within finance and general management, as well as in coordinating the successful audits for large multinational companies and in implementing shared service centers, operational efficiencies, enhanced reporting and analysis, and internal control systems to meet Sarbanes-Oxley and other financial control requirements. I would make it a priority to bring the clarity of purpose, steadiness of execution, and ability to work with others that are required for leadership in building and growing a strong, diverse organization.

20. What do you believe to be the top three challenges facing the department/agency, and why?

Without an opportunity to fully assess the situation, I cannot offer an authoritative opinion at this time. However, if confirmed, I would meet with the leadership of NASA and with my staff as well as each of the constituencies with which NASA's CFO organization interfaces to develop a view of the current key challenges which NASA and its CFO organization face and work with my staffs so that these receive the appropriate attention and resources to ensure Agency success in meeting these challenges.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

Continued participation with Harris Corporation Supplemental Executive Retirement Plan and ManTech International Corporation 401k Plan, and passive investment with D&S Group, LLC, a limited liability company of which I own 50 percent of the equity.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

While an estate or trust may not be considered a business association or organization. I note to ensure thorough disclosure that I am currently personal representative (executor) of my father's estate in an unpaid capacity and I will not receive compensation for such services. I also am trustee for the Ronald R. Spoehel Revocable Trust, trustee for the Geraldine Spoehel family trust, and trustee of a trust that has been established for my children, each in an unpaid capacity and I will not receive compensation for such services.

I presently intend to maintain my affiliation with D&S Group, LLC solely as an owner and passive investor as referred to above in item B.1.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Continued ownership of common stock of ManTech International Corporation. I also have been made aware that the following companies in which I have a financial interest do business with NASA, although it is not anticipated that my official duties will include matters that will involve these companies: Cisco Systems, Inc., Walt Disney Co., Exxon Mobile Corp., Harris Corporation, Hewlett-Packard Co., Intel Corp., Motorola, Inc., Staples, Inc., Texas Instruments, Inc., and United Technologies, Inc. If a matter including one of these companies does arise, however, I would seek advice from the NASA General Counsel or his designated NASA ethics official about ways in which to avoid a conflict of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Ownership of common stock of ManTech International Corporation and participation in the Harris Corporation Senior Executive Retirement Plan. Executive Vice President, Chief Financial Officer and Director, ManTech International Corporation.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modifica-

tion of any legislation or affecting the administration and execution of law or public policy: None.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

If confirmed as NASA Chief Financial Officer, as required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to § 208(b)(1), or qualify for a regulatory exemption, pursuant to § 208(b)(2).

I understand that my stock in ManTech International Corporation presents a potential conflict of interest under § 208(a), although it has been determined that it is not necessary at this time for me to divest this stock. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of ManTech International Corporation, unless I first obtain a written waiver or qualify for a regulatory exemption.

In addition, if confirmed, for the duration of my government service: (i) I will not provide any services or management to D&S Group, LLC including voting or any other decision-making activity and instead, I will become solely a passive investor; (ii) I will not communicate any instruction, preference or recommendation regarding the investment decisions of D&S Group, LLC; (iii) I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of D&S Group, LLC, unless I first obtain a written waiver; (iv) I understand it will be my responsibility to monitor the holdings of D&S Group, LLC in order to determine whether it has acquired any financial interest that poses a potential conflict with the duties of my position and in the event any such acquisition occurs, I will notify and consult with the NASA General Counsel or his designated NASA ethics official about ways in which to avoid a conflict of interest; and, (v) I will not communicate with any investor or prospective investor about D&S Group, LLC.

I understand that the U.S. Office of Government Ethics has issued certain regulatory exemptions to 18 U.S.C. § 208 that depend on the aggregate value of financial interests affected by a particular matter. I understand that the *de minimis* thresholds for these exemptions vary depending upon whether a particular matter involves specific panics or whether it is a particular matter of general applicability. While I understand that these exemptions may, in appropriate cases, permit me to participate in matters affecting entities in which I have financial interests, I will be aware of the specific limitations of these exemptions and remain alert to the potential that my financial interests may increase in value beyond these *de minimis* thresholds. In the event there is a need for my participation in matters affecting entities in which I have such financial interests, I will work with a NASA ethics official to take appropriate steps to prevent any conflict.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain. No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

While an officer of Bank of America. Lehman, ICF Kaiser, Harris Corporation. and ManTech International Corporation, there may have been proceedings or litigation during my affiliation with those organizations; however, I was not personally named or involved in any proceedings or litigation.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.
2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

The CHAIRMAN. And I thank you very much, Mr. Spoehel.

Rear Admiral William Sutton, United States Navy (Retired), nominee for the Assistant Secretaryship for Manufacturing and Services, United States Department of Commerce.

Welcome, sir, good to see you again.

**STATEMENT OF REAR ADMIRAL WILLIAM G. SUTTON, USN (RET.), NOMINEE TO BE ASSISTANT SECRETARY FOR MANUFACTURING AND SERVICES, U.S. DEPARTMENT OF COMMERCE**

Admiral SUTTON. Yes, sir, Senator, good to see you, too.

Mr. Chairman, distinguished Members of the Committee, it's truly an honor to appear before you today as the nominee for the position of Assistant Secretary of Commerce for Manufacturing and Services within the International Trade Administration.

I want to thank President Bush and Secretary Gutierrez for expressing their confidence in me through this nomination. And, if confirmed, it will be an honor to undertake this challenge.

First, I would also like to introduce some members of my family who are here with me today.

The CHAIRMAN. Oh, please do. I'm sorry.

Admiral SUTTON. My wife, Claudia, who has had the toughest job in the world, which is being a Navy wife, her sister, Cynthia, and our two lovely nieces, Meredith and Caroline.

[Applause.]

Admiral SUTTON. Also, I'd like to recognize my fellow nominees here on the panel. And, if confirmed, I look forward to joining government service alongside them once again.

Over the last several weeks, I have enjoyed meeting with many of you and your staff members, and have noted, and do appreciate, both your concerns and your words of encouragement. And, if confirmed, I look forward to continuing this dialogue and to working closely with the members of this Committee.

I grew up in a small town in south Georgia, then spent the next 30 years as a naval officer, with almost 11 years either underway or forward-deployed. My schooling in ship design and construction, and Navy assignments in education and government affairs, led to my next career of over 5 years in the private sector representing a uniquely American manufacturing industry, both domestically and abroad. These experiences have provided firsthand knowledge and a deep appreciation for the challenges we face as globalization evolves.

The trade association I was privileged to lead for the last 5 years represented the manufacturers of over 90 percent of the air-condi-

tioning and commercial refrigeration products made in the United States. During over 80 visits to plants of all shapes, sizes, and levels of sophistication, from mom-and-pop operations to large, highly productive global conglomerates, I saw one common thread: U.S. manufacturers can compete successfully with anybody, given a level playing field.

My association represented our manufacturers in the Federal and State regulatory processes. We developed performance standards and administered equipment certification programs. We were also involved daily in issues of market access, intellectual property rights, and tariffs. And our members were constantly wrestling with the increasing costs of manufacturing and growing global competition. So, as you can see, the industry I represented, and the issues it was facing, were microcosms of what is happening to U.S. industry.

I also have come to understand that, with the recent advances in both technology and in manufacturing productivity, logistics, and financial sophistication, that manufacturing and services, their issues are now fully and inextricably linked and merged. As a result, my experience with this part of U.S. industry has given me a true appreciation of what the Office of Manufacturing and Services can be doing, in a broader sense. Every policy, regulation, or law should be made with an eye toward the U.S. worker and U.S. industry's competitiveness. Our market-driven economy, with its transparency and sense of fair play, should be the future of globalization. Our way of doing business should be our number-one export. I think that is one of the best ways for us to stay competitive as globalization evolves.

Freedom of the seas facilitates trade, and our founding fathers understood this concept when they stated, "We will maintain a navy." At the same time, market-access limitations, barriers, and unfair costs stifle fair competition. So, it's obvious that, during the evolution of globalization, there needs to be an advocate within our system to try and make sense of any particular U.S. industry's dilemma. We need to make sure that the proposed policies and regulations are fully vetted to prevent the always-present unintended consequence perhaps affecting another industry or another industry segment.

While at my trade association, I saw the Office of Manufacturing and Services analyzing costs and providing data. I saw it maintaining an industry dialogue through the advisory committees and the councils and boards, such as the Manufacturing Council. And, while I wasn't directly involved, I understand the Travel and Tourism Board also works very closely with this Committee.

The manufacturers and services-sector experts have been able to provide critical data to the other Federal agencies and to Congress, with an eye on competitiveness. So, when I was asked to take on this challenge, my first thoughts were, what could I possibly do? And how could I make a difference?

If confirmed, I will focus the office on providing practical and actionable input to the regulatory and policy processes. With the evolution of globalization, I see U.S. global competitiveness needing to start right here at home. I will work toward decreasing the premium that U.S. employers pay to manufacture and operate here in

the U.S. My goal will be to help develop and maintain an environment in which the smart business decision for any U.S. company will be to open or expand, right here.

I will also look at how the services sector is integrated into our economy, and work to ensure it receives appropriate weight in the office's input to the policymakers.

The voice of the U.S. manufacturing and services worker must be heard, and, if confirmed, I also hope to establish the Office of Manufacturing and Services as the go-to office for evaluating policy impacts on the domestic and global competitiveness of U.S. industry.

It has a highly competent staff of industry and sector experts who can be brought to bear to aid Congress and the Federal agencies with the complex questions that are arising during the evolution of globalization.

I truly believe it is honorable to be in government service, and, if confirmed, I hope to contribute to the competitiveness of all U.S. industry, which will equate to improving our quality of life, and will improve our prospects for the future.

Thank you for this opportunity, and I'll be happy to answer your questions.

[The biographical information of Admiral Sutton follows:]

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A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

William Glenn Sutton.
Nickname: Woody.

2. Position to which nominated: Assistant Secretary for Manufacturing and Services, U.S. Department of Commerce.

3. Date of Nomination: May 4, 2007.

4. Address (List current place of residence and office addresses): Information not available to the public.

5. Date and Place of Birth: July 5, 1948; Brunswick, Georgia.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Claudia Mansfield Sutton (spouse), Associate Executive Director, American Association of School Administrators (AASA), Arlington, VA; No Children.

7. List all college and graduate degrees. Provide year and school attended.

Master of Science Degree in Naval Architecture and Marine Engineering, Massachusetts Institute of Technology, Cambridge, MA, June, 1971.

Bachelor of Science Degree in Naval Engineering, United States Naval Academy, Annapolis, MD, June 1970.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Career Naval Officer, June 1970 to July 2000. See attached Navy Biography.

President, Air-Conditioning and Refrigeration Institute (ARI), December 2001 to February 2007, representing the manufacturers of commercial air-conditioning and refrigeration products. See attached resume.

Leadership and management roles throughout Navy career, and standards development, certification program administration; and legislative, regulatory and global trade advocacy while running a major manufacturers' trade association relate to the position.

9. Attach a copy of your resume. Resume and Naval career biography attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years: None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

President, Air-Conditioning and Refrigeration Institute (ARI), Arlington, VA.

Director, Clifford H. "Ted" Reese Scholarship Foundation, Arlington, VA.

Director, Air-Conditioning and Refrigeration Technology Institute (ARTI), Arlington, VA.

Director, North American Technician Excellence (NATE), Arlington, VA.

Director, American National Standards Institute (ANSI), Washington, D.C.

Director, National Association of Manufacturers Council of Manufacturing Associations (NAM CMA), Washington, D.C.

Secretary-Treasurer, Association Education and Business Institute Inc. (AEBI), Arlington, VA.

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club. or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

USNA Alumni Association, Annapolis, MD, 1970 to present.

MIT Alumni Association, Cambridge, MA, 1971 to present.

U.S. Naval Institute. Annapolis, MD, 1978 to present.

Surface Navy Association. Alexandria, VA, 1988 to present.

Army Navy Country Club, Arlington, VA, 1989 to present.

AARP, Washington, D.C., 2000 to present.

Pearl Harbor Lodge, F&AM, Honolulu, HI, 1999 to present.

Navy League of the United States, Arlington, VA, 2000 to present.

MOAA, Alexandria, VA, 2000 to present.

The Army and Navy Club, Washington, D.C., 2002 to present.

United States Naval Historical Foundation, Washington, D.C., 2006 to present.

13. Have you ever been a candidate for and/or held a public office (elected, nonelected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

American Society of Association Executives PAC 2005—$250, 2006—$250, 2007—$250.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Military Medals:

Defense Superior Service Medal (DSSM).

Legion of Merit (5 awards).

Meritorious Service Medal (2 awards).

Navy Commendation Medal.

Navy Achievement Medal.

Navy Unit Commendation Medal.

Meritorious Unit Commendation (2 awards).

Navy "E" (5 awards).

Navy Expeditionary Medal.

Armed Forces Expeditionary Medal.

Armed Forces Service Medal.

Southwest Asia Service Medal (2 awards).

Sea Service Deployment Ribbon (3 awards).

Kuwait Liberation Medal.

Expert Pistol and Rifle Medals.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

No books, but numerous articles and speeches during my Naval Career primarily at Changes of Commands or official events, highlighting particular accomplishments, or the need for a strong Naval presence around the globe in order to influence events. While at ARI, as the spokesman for the HVACR manufacturing industry, articles and speeches were to highlight the good done by the industry and to advocate responsible manufacturing. As the president of its manufacturing trade association the central theme was to develop a positive identity for the industry.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

Written testimony as President of ARI before the House Committee on Ways and Means Subcommittee on Select Revenue Measures in September 2006. Subject was legislation introduced by the Honorable Peter Hoekstra to modify the depreciation-holding period for commercial heating, ventilation, air-conditioning and refrigeration from 39 years to 20 years.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

The operational command assignments afloat and government relations assignments ashore while in the Navy coupled with an engineering background provided a broad leadership, management and advocacy perspective. Over the last 5 years as president of a major U.S. manufacturing industry trade association, experience with standards development, product performance certification, regulatory activities, and globalization issues have provided a perspective into issues facing the manufacturing and services industries today.

When asked to take on this challenge, I accepted because these perspectives may enable me to contribute as an advocate within the system for the competitiveness of the U.S. manufacturing and services industries. If confirmed, I look forward to working with this Committee and Congress on important issues related to manufacturing and services.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

To set the example and ensure appropriate controls, and checks and balances are in place; and to ensure that they are maintained. My experiences in command at sea and ashore in the Navy, and as president of a major manufacturer's trade association have provided the appropriate background, experience and training to ensure our highly skilled and trained Manufacturing and Services workforce has the necessary tools and resources to accomplish their mission on behalf of American business and workers.

20. What do you believe to be the top three challenges facing the department/agency, and why?

U.S. manufacturing and services competitiveness. There are numerous challenges under that topic, but at the top would be:

(1) reducing the structural costs facing U.S. manufacturers, which put us at a disadvantage globally.

(2) a real need to decrease overseas IPR violations, and

(3) strengthening American industry's competitive position in the global marketplace by increasing exports of U.S. goods and services.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

Receive retirement benefits as a 30-year retiree from the United States Navy.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

I will retain my position as Secretary of the Association, Education, and Business Institute, Inc. (AEBI), which is my wife's education consulting S-Corp. It is currently dormant.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

As noted in my ethics agreement, stock holdings of Ametek, Inc., Centerpoint Energy, IBM, JC Penney, Reliant Energy, Inc., Sunoco, and Volt Information Sciences could involve potential or perceived conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

Provided written testimony (see A. 17. above) for the "Cool and Efficient Buildings Act," advocating changing the depreciation for commercial heating air-conditioning and refrigeration systems from 39 to 20 years.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

I have executed an ethics agreement in which I have agreed to divest my/my wife's stock holding in Ametek, Inc., Centerpoint Energy, IBM, JC Penny, Reliant Energy, Inc., Sunoco, and Volt Information Sciences, within 90 days of confirmation. Further, I have agreed that until divestitures are complete, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on the financial interests of these entities, unless I first obtain a written waiver or qualify for a regulatory exemption. Also, if confirmed, and if my wife begins to take on any new clients at AEBI, I will consult with a Department of Commerce ethics counsel to ensure propriety, and I will be non-participatory in AEBI businesses activities. Additionally, I have agreed to not participate personally and substantially in any particular matter involving specific parties of ARI or AASA, unless I am authorized to participate.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State. or other law enforcement authority of any Federal, State. county, or municipal entity, other than for a minor traffic offense? If so, please explain.

Charged with DUI in Middletown, Rhode Island in November 1989. Judge dismissed case.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain: No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes, to the best of my ability.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes, to the best of my ability.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes, to the best of my ability.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

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RESUME OF WILLIAM G. SUTTON

**Professional Profile**

Experienced Chief Executive with over 5 years leading and transforming a major manufacturing trade association into a forward-looking and highly-involved organization fully-engaged in the regulatory policy debate and with an aggressive legislative and education agenda; and, over thirty years in leadership positions serving in the United States Navy both afloat and ashore, achieving the rank of Rear Admiral. Unique background includes seven CEO/COO-equivalent assignments and substantial leadership expertise in change management, advocacy, international relations, education, marketing, standards development, and certification program management. Board experience includes the American National Standards Institute (ANSI), the National Association of Manufacturers (NAM), the Clifford H. Rees Scholarship Foundation, and North American Technician Excellence (NATE).

**Employment History**

President, Air-Conditioning and Refrigeration Institute (ARI), October 2001 to February 2007.

ARI is the trade association representing manufacturers of air-conditioning and commercial refrigeration equipment in North America. With a $14.5M annual budget and a staff of 42, it is an internationally recognized leader in both the development of standards and in the administration of certification programs pertaining to the performance of air-conditioning, ventilation, and refrigeration products. ARI also serves as a major advocate for the heating, ventilation, air-conditioning and refrigeration (HVACR) industry domestically and U.S. manufacturing competitiveness globally.

*Advocacy*

Developed and implemented a coordinated advocacy and communications effort that placed ARI in a position to advance its members' agenda and lead in industry issues, replacing the former reactionary approach.

Brought all of the HVACR industry associations together into a significant partnership effort and guided the industry forward through legislative, regulatory, educational and technician certification initiatives.

Increased ARI's influence globally and successfully led a major federation of international manufacturing associations through activities such as intellectual property disputes and international advocacy cooperation.

Opened doors and established communications lines with historic opponents, advancing the ARI agenda.

Active in both the NAM and U.S. Chamber of Commerce in manufacturing competitiveness issues.

Provided leadership and was the primary spokesman in speeches, articles and interviews for ARI and the HVACR industry both on a routine basis and during several significant industry initiatives and crises.

*Services to Members*

Designed and completely restructured the member dues system to be fair, simple and predictable.

Grew by almost 40 percent and improved the processes and value of the product performance certification programs.

Led and coordinated the initial $1.4M fundraising effort which established the Rees Scholarship Foundation.

Increased member services and benefits through increased efficiencies while growing ARI over 25 percent.

Moved ARI from paper to web-based, and improved internal and external communications.

Successfully integrated the industry's technician certification program into every activity and initiative.

*Internal Management*

Quickly gained control of escalating expenses and managed the budget to restore reserves.

Developed and led highly successful and major branding, marketing, and press relations efforts.

Energized the budget and investment committee process and engaged ARI in active portfolio management.

Improved the governance process and procedures through board and staff training programs.

Instituted formal schedule and milestone planning, staff feedback and recognition, and ethics, wellness and social programs resulting in a professional and effective staff and a healthy and positive work environment.

**United States Navy Career**

Commander, Amphibious Group Two, February 1999 to July 2000.

Headquartered in Norfolk, Virginia; responsibility to organize, train, equip, and prepare Sailors to respond to national tasking for the largest group command in the U.S. Navy: 38 ship and shore commands, over 19 billion dollars in capital assets, and 14,500 military and civilian personnel. Significant interagency experience as task force commander for the EgyptAir flight 990 crash recovery effort.

Commander, Naval Base Pearl Harbor, Commander, Naval Surface Group Middle Pacific, September 1996 to January 1999.

Regional Commander for all Navy activities statewide in Hawaii and Group Commander with training, maintenance and operational responsibility for all 17 surface ships homeported in Pearl Harbor. Leadership, management, and agency and government liaison responsibilities for all Navy personnel and facilities in Hawaii and Antarctica.

Chief of Staff, Commander Second Fleet and Commander Striking Fleet Atlantic, June 1994 to August 1996.

Embarked in the flagship homeported in Norfolk, Virginia; responsible for the direction of a staff of 160 men and women planning, organizing, coordinating, and directing all surface and air operations throughout the U.S. Atlantic Fleet and within NATO's Atlantic operating area. Director of a major joint services operational staff.

Previous Assignments include:

Naval Aide to President Reagan 1983–1985; Director of Programs, Navy Office of Legislative Affairs 1990–1992; Commander, Destroyer Squadron Two Four 1992–1994; Director, Prospective Commanding Officer School: Member, Naval Academy Honor Review Board; Instructor, Naval Engineering, U.S. Naval Academy; and various assignments in destroyers, frigates, and surface support ships.

**Education**

Massachusetts Institute of Technology.

Master of Science in Naval Architecture and Marine Engineering (June 1971).

United States Naval Academy.

Bachelor of Science in Naval Engineering (June 1970).

**Affiliations**

National Association of Manufacturers/Council of Manufacturing Associations.

U.S. Chamber of Commerce/Committee of 100.

American National Standards Institute.

American Society of Association Executives.

Key Industry Associations Committee.

Clifford H. Rees Scholarship Foundation.

North American Technician Excellence.

MIT Alumni Association.

USNA Alumni Association.

Military Officer's Association.
Surface Navy Association.
U.S. Naval institute.
Naval Historical Foundation.

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NAVAL CAREER BIOGRAPHY OF WILLIAM G. SUTTON

**Rear Admiral, United States Navy, Retired**

Admiral Sutton hails from Brunswick, Georgia, and was commissioned upon graduation from the United States Naval Academy. He holds a Master of Science Degree in Naval Architecture and Marine Engineering from the Massachusetts Institute of Technology.

At sea he served aboard USS JONAS INGRAM (DD 938) as ASW Officer, USS PAUL (FF 1080) as Weapons Officer, USS SURIBACHI (AE 21) as Operations Officer and Navigator, participating in deployments to the North Sea, Mediterranean Sea, and Middle East. He was the commissioning Executive Officer of USS KIDD (DDG 993), lead ship of her class, and was responsible for its initial outfitting, organization and the crew certification process. He commanded USS CALLAGHAN (DDG 994) which deployed to the Straits of Hormuz during the "Tanker War." As Commander, Destroyer Squadron TWO FOUR, Admiral Sutton deployed to the Adriatic Sea during the Yugoslavian conflict, and twice deployed to the North Red Sea as Maritime Interception Force Commander, enforcing U.N. sanctions. He also served as Chief of Staff for Commander Second Fleet and Commander Striking Fleet; and was Director of the Maritime Forces Joint Staff, Commander, Joint Task Force 120 during Haitian and various Atlantic, Caribbean, and NATO contingency and planning operations.

Ashore, Admiral Sutton served as Naval Aide to President Reagan 1982–1985; Director of Programs, Navy Office of Legislative Affairs 1990–1992; Director, Prospective Commanding Officer/Executive Officer Course at Surface Warfare Officers Schools Command in Newport, Rhode Island; and as an instructor in Naval Systems Engineering at the U.S. Naval Academy. He was Commander, Naval Base Pearl Harbor, Hawaii and Commander, Naval Surface Group Middle Pacific from September 1996 until January 1999, overseeing the major shore infrastructure changes resulting from the regionalization process. Admiral Sutton's last assignment was as Commander, Amphibious Group TWO from 5 February 1999 until his transition to the retired list in July 2000. He was responsible for all Atlantic Fleet amphibious force readiness, maintenance, and training; and he participated in the LPD 17 ship class design process. Collaterally, he was Task Force Commander for recovery efforts following the crash of EgyptAir Flight 990 off the coast of Newport, Rhode Island in November 1999.

The CHAIRMAN. I thank you very much, Admiral.

Mr. Spoehel, I forgot to ask you to introduce your family. Please do.

Mr. SPOEHEL. I thank you for that opportunity. They are actually on an extended vacation with family, out of the state, at the moment.

The CHAIRMAN. You're a good husband.

[Laughter.]

Mr. SPOEHEL. Thank you.

The CHAIRMAN. On behalf of the Committee, I'd like to thank all of the nominees. Your documents have been received. Your discussions have been heard. And they'll be all made part of the record.

The Committee—and I speak for all of them—are very impressed with your background, your experiences, and your contributions to our Nation. We thank you for your service in the past, and we look forward to your service in the future. And we thank you for serving our country.

To demonstrate our confidence in you, your nominations will be taken up by the Committee on Thursday. I can assure you it will

be reported out, and, before we go on recess, you will be Secretaries.

So, congratulations to all of you, and congratulations to the families. Thank you very much for your service.

[Applause.]

The CHAIRMAN. The Committee stands adjourned.

[Whereupon, at 10:30 a.m., the hearing was adjourned.]

# A P P E N D I X

PREPARED STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

Thank you, Mr. Chairman, for holding today's hearing. These individuals have been selected to serve vital positions within our government and I thank them for their willingness to serve.

I am very pleased to see Vice Admiral Barrett here today. He has been a tremendous asset to the country and has demonstrated a great understanding of Alaska, both as a member of the Coast Guard and in his capacity as Administrator of the Pipeline and Hazardous Materials Safety Administration.

Before joining the Department of Transportation, Vice Admiral Barrett had a distinguished career in the United States Coast Guard and spent many years stationed throughout the gulf coast of Alaska. Most recently, he served as Commander of the Seventeenth Coast Guard District and had an impressive accident-free search and rescue program that saved 675 lives before going on to serve as Vice Commandant.

In 2005, Vice Admiral Barrett was confirmed as the first Pipeline and Hazardous Materials Safety Administrator. He has worked tirelessly to improve the safety of our Nation's pipelines and was extremely helpful to this committee as we worked to craft the pipeline safety bill last Congress.

This Committee has a close working relationship with Vice Admiral Barrett and I look forward to continuing that relationship. I congratulate him on his nomination.

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PREPARED STATEMENT OF HON. OLYMPIA J. SNOWE,
U.S. SENATOR FROM MAINE

Thank you, Mr. Chairman. Today, I have want to reiterate my strong support for the nomination of Paul Brubaker as Administrator of the Research and Innovative Technology Administration (RITA) at the Department of Transportation.

I have known Paul as an individual who is deeply committed to public service and the public good. Most especially, I'm familiar with Paul through his tenure with my former colleague—and former colleague to a number of us here—the esteemed Senator Bill Cohen. And, in fact, while working for Bill on the Senate Subcommittee on Oversight of Government Management, Paul was the principal staff architect of the Clinger-Cohen Act—which provided a critical modernization by requiring that the government information technology "shop" be operated exactly as an efficient and profitable business would operate.

So while Paul may not be a native-born Mainer, given his tremendous contributions on Senator Cohen's staff, we've never held that against him! In fact we are very pleased to consider him an honorary Mainer!

Paul has also served with distinction at the then-U.S. General Accounting Office, and served as Deputy Assistant Secretary and Deputy Chief Information Officer at the U.S. Department of Defense. But Paul brings to this critical leadership position at RITA a unique and impressive record not only in public service, but also in the private sector as well.

His seasoned and accomplished background in both business and public service will undoubtedly serve Paul and the country well in this position, which requires him to administer and lead RITA, created to coordinate DOT's research and development investment with the objective of identifying and facilitating cross-modal solutions to America's transportation challenges. RITA enables DOT to more effectively manage its research portfolio and advance the development and implementation of innovative technologies.

Paul is ideally positioned to assume this pivotal role and succeed at a high level as part of the overarching effort to advance an effective and safe transportation system for our Nation. He is poised to implement President Bush's goal of an American transportation system that ". . . renews our commitment to increasing transportation safety and to keeping our transportation system on the leading edge of technology."

With that, I want to thank the Chairman and again urge my colleagues to support this exemplary candidate.

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PREPARED STATEMENT OF HON. JOHN WARNER,
U.S. SENATOR FROM VIRGINIA

Chairman Inouye, Senator Stevens, and my other distinguished colleagues on the Senate's Commerce, Science, and Transportation Committee, I thank you for holding this confirmation hearing today.

Today, I am pleased to speak on behalf of Ronald Spoehel of Virginia who has been nominated to serve as the Chief Financial Officer (CFO) of the National Aeronautics and Space Administration (NASA).

The job of Chief Financial Officer is a critical one, tasked with the responsibility of overseeing NASA's overall financial well-being, including its annual budget of about $16.2 billion. Mr. Spoehel's strong financial background coupled with his extensive management experience makes him well tailored to serve in this position.

Subsequent to earning his B.S. in Economics, M.S. in Engineering, and M.BA. from the University of Pennsylvania. Mr. Spoehel joined Bank of America where he quickly rose to the rank of Vice President. Including his tenure at Bank of America, Mr. Spoehel has over 25 years of experience and expertise as an officer or executive at diverse set of companies ranging from investment banking firms to global high-tech companies.

Mr. Chairman, obviously, Mr. Spoehel is highly qualified to serve as Chief Financial Officer of the National Aeronautics and Space Administration. I look forward to the Committee's favorable consideration of his nomination.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TRENT LOTT TO
RONALD R. SPOEHEL

*Question 1.* Three years ago NASA broke ground on its first ever Shared Services Center (NSSC) in Mississippi at the Stennis Space Center with the intent of reducing redundant and inefficient administrative functions. All reports indicate that the Center is fulfilling its mandate of saving money on projects to reduce costs by establishing uniform procedures and processes in these areas.

The NASA Chief Financial Officer (CFO) is an important customer of that Center. In order to realize full efficiencies of the Center, it is important that the CFO work to maintain and advance the NSSC transition schedule in a timely and responsible manner. In fact, it has been reported that the Agency is on target to consolidate the important financial functions of accounts payable and accounts receivable to the NSSC by the beginning of calendar year 2008. Does the current timeline for the NSSC to consolidate accounts payable and accounts receivable remain the beginning of calendar year 2008?

Answer. It is my understanding that the tentative schedule for transitioning accounts payable and accounts receivable remains at the beginning of calendar year 2008. If confirmed, I would review the schedule and plan of transition and work with my staff to help ensure the successful and timely transition of these key functions to the NSSC.

*Question 2.* What additional mission projects as well as new capabilities can be assumed by the NSSC in an effort to advance its mission through centralizing its administrative processes and saving the agency valuable funds?

Answer. It is my understanding that the NSSC is focusing on successfully transitioning the remainder of the services identified for transition through FY 2008, including simplified acquisitions and additional human resources activities. I have been informed that a review is underway of other activities identified in the NSSC Implementation Plan Report as requiring further study and that NASA is also considering other activities not delineated in the Implementation Plan Report for potential transition to the NSSC.

*Question 3.* Are you committed to ensuring that NSSC remains at the forefront of assuming consolidated administrative functions for NASA?

Answer: Yes, if I am confirmed, I would be committed to ensuring that the NSSC remains at the forefront of assuming additional consolidated administrative functions. From my prior private sector experience, I recognize the efficiency and cost effectiveness of the shared services model for delivering support services with appropriately designed processes and internal controls. Consequently, I view the NSSC model as a valid cross-cutting strategy for reducing administrative costs and en-

hancing operational efficiency while ensuring strong and effective internal controls are maintained.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO VICE ADMIRAL THOMAS J. BARRETT

*Question 1.* Can you please comment on how NHTSA chose its testing protocol for the occupant ejection rulemaking? Why does the agency believe that this is the best testing procedure to achieve the goal of reduced occupant ejection?

Answer. As directed by SAFETEA–LU, NHTSA is currently developing a Notice of Proposed Rulemaking (NPRM) on occupant ejection. The Agency has been working on a test method that represents a human's upper body and the forces experienced during a rollover, but this method is still being finalized. I assure you that the Department and NHTSA will use a test methodology fully supported by crash data and sound science to provide effective occupant protection.

*Question 2.* The SAFETEA–LU legislation requires the reduction in both full and partial ejections. Can you please comment on how NHTSA's performance standard will achieve this objective for all types of vehicle occupants?

Answer. The Department is committed to fulfilling Congressional safety requirements established by SAFETEA–LU for both full and partial ejections. We are working hard to address full and partial ejections through new performance requirements that will be included in regulation. The specific details of how the Department proposes to fulfill these requirements are still under development and will be fully described in the Notice of Proposed Rulemaking.

*Question 3.* What technologies would be required to meet this testing protocol?

Answer. Side curtain and advanced glazing technologies are possible countermeasures that manufacturers could employ to meet the testing protocol.

*Question 4.* Can you please comment on the cost effectiveness and availability of the technologies that will be needed to meet this testing protocol?

Answer. The feasibility and cost effectiveness of achieving the proposed performance requirements is still being considered. They will be fully described in the Preliminary Regulatory Impact Analysis when the NPRM is published.

*Question 5.* Are the technologies that would be required to meet this proposed testing protocol being used in vehicles today? Can you please comment on NHTSA's plans for phase-in of the regulation?

Answer. Some of these technologies required to meet this testing protocol are beginning to appear in vehicles. While the exact details of NPRM are being finalized, phase-in of the performance requirements will be established in a way to ensure that benefits from these important life-saving technologies can be realized as rapidly as is practicable.

*Question 6.* If these technologies are being made more available in cars today, would it seem reasonable to expect a rapid implementation requirement similar to the 3 year phase-in recently proposed for electronic stability control?

Answer. While these technologies are beginning to appear in cars today, their ability to achieve the proposed performance requirements may not be comparable to electronic stability control systems at a similar stage relative to the regulatory process. If confirmed, you have my commitment that the proposed implementation schedule will be established to be quickly as is practicable.

*Question 7.* Can you please comment on the timing of your rule development and if there are any potentially foreseeable obstacles that would prevent NHTSA's meeting the final rule deadline of October 1, 2009?

Answer. The Department is committed to fulfilling all of the safety requirements established by SAFETEA–LU. At this time does not foresee obstacles in meeting them. We expect to have a Notice of Proposed Rulemaking issued in 2008. If confirmed, I will work to ensure that deadlines for this and all SAFETEA–LU regulatory requirements are met.

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